

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 5044 of 1994

IN THE MATTER OF an application by
the Health Services Union of
Australia, Tasmania No. 1 Branch
to vary the Welfare and Voluntary
Agencies Award

re Clause 7 - Definitions

DEPUTY PRESIDENT ROBINSON

HOBART, 24 June 1994
continued from 23/6/94

TRANSCRIPT OF PROCEEDINGS

Unedited

DEPUTY PRESIDENT ROBINSON: Yes, Ms Harvey?

MS HARVEY: Yes, Mr Deputy President. As I indicated yesterday I would be calling a witness this morning and I intend this morning to proceed initially with the witness before turning to my other submissions in relation to 5.2.

DEPUTY PRESIDENT ROBINSON: Very well.

JOANNE DICKENSON, sworn:

MS HARVEY: Now, Mrs Dickenson, could you state your full name and address for the record, please?--Right. My name is Joanne Dickenson and I live at 34 Washington Street, South Hobart.

At this stage, Mr Deputy President, I would like to hand up Mrs Dickenson's witness statement.

DEPUTY PRESIDENT ROBINSON: Yes. We will mark that appropriately.

MS HARVEY: WS2.

DEPUTY PRESIDENT ROBINSON: Did you say WS2?

MS HARVEY: Yes, witness statement 2.

DEPUTY PRESIDENT ROBINSON: All right.

MS HARVEY: Now, Mr Deputy President, the witness has a copy of her witness statement with her.

So, Mrs Dickenson, could you please - this document, could you please explain to the commission what it is?--This is my witness statement.

It is a witness statement that you have prepared?--Oh, right. Yes, yes, that I have prepared in answer to the questions that I was asked.

Now, Mrs Dickenson, could you just read the section in relation to your personal details?--Okay. Point 1, personal details. My name is Joanne Dickenson. My address is 34 Washington Street, South Hobart. My qualifications are Bachelor of Arts with a psychology major, graduate

diploma in psychology. I'm currently registered as a psychologist in the state of Tasmania and I have a post-graduate diploma in public sector management. My graduate diploma in psychology thesis was on teaching strategies for children with disabilities and my post-graduate diploma in public sector management thesis was an accountability in a non-government organisation.

I have attached my resume at tab 2. I have been employed for five years at Oak Enterprises as a training and development officer. During the first two years I was also co-ordinating the community living program. I have attached an organisational chart for Oak Enterprises at tab 3 which will assist in identifying where these positions fit into the structure. I am currently receiving - well, I was currently receiving a salary package in excess of level 7 in HSUAs proposed classification structure and I am a member of the Health Services Union of Australia.

Mrs Dickenson, perhaps if you just took us to tab 3, the organisational chart and just explain to the commission that document?---Right. Oak Enterprises, as a non-government organisation, has a board of directors. The general manager is responsible to that board of directors. Then there's the human resources manager to whom I'm responsible and all these different services, the Walkabout industries and the Mail House, as you can see. Each employment service - or most of the employment services have a production manager and a training and development officer in their structure.

Perhaps if you go to the second page in tab 3?---Right. Do you want me to explain that as well?

Yes, please?---Right. Okay, so this outlines more clearly the structure in which I was working during the last nine months of my employment there.

Well, which position did you hold?---Oh, right, sorry, the training and development officer I was.

Right. And in which of these boxes were you working, on the first page of tab 3?---Oh, right. I was working at the Mail House.

Right. And could you just explain what the Mail House does, just very - - ?---The Mail House provides supported employment for clients with intellectual disability. It processes bulk mail contracts and also there's a section that does packaging work.

Right, terrific.

DEPUTY PRESIDENT ROBINSON: Could I ask is Oak Enterprises now what used to be known as Oakdale or is there a connection?---Oakdale Walkabout, yes.

Thank you.

MS HARVEY: At this stage, Mr Deputy President, and I foreshadowed to the employer advocate, I would like to have Mrs Dickenson deemed as expert and hence be able to give her opinion in relation to clients and client needs and obviously her own direct experience in the area that she works. I assume there being no objection I continue with the examination?

DEPUTY PRESIDENT ROBINSON: I am sure you will know if there is any objection.

MS HARVEY: Right. Mrs Dickenson, could you please continue to read from your statement on page 2?---Okay. Point 2.0, the duties of my position: The duties I have been responsible for are set out in my resume at table 2. I have been employed as a training and development officer with Oak Enterprises for the last five years. In summary I had the following responsibilities and duties in the position I have just resigned from: looking after the welfare in human services side of support employment; providing specialist advice to the production manager on what they had to do to meet the social objectives of supported employment; liaising with parents, government agencies and non-government agencies; counselling of individuals and their families; undertaking individual assessments and developing individual program plans - or IPPs - for clients; co-ordinating the implementation of programs designed to meet client needs; formulating individual program plans and identifying the requirements for specialist intervention.

I have also been responsible at different times for co-ordinating staff training within the organisation. Special projects: for example, co-ordinating an Occupational Health and Safety review and ensuring the recommendations were implemented; writing policies and procedures. For example, I have either written or been substantially involved in developing policies on employment policy, sexual harassment, privacy, dignity and confidentiality, consumer complaint mechanism, performance review and development. I've been involved in conflict resolution, staff and management recruitment, writing position descriptions.

Originally I was responsible across all the services except Tahune Fields. However, as we have increased the number of training development officers I have increasingly focused on my responsibilities in the Mail House. I have studied the HSUAs application for level 7 and my duties are consistent with this level in the award and I have at various times carried

out all of the indicative tasks on page 17 and 18 of the application as set out in exhibit HSUA4. In particular, I do a lot of work in interpretation and administration of areas of work for which there are no clearly established outcomes. Do you want me to go forward?

Yes, keep going?---Okay, so point 3.0, supported employment services: The objective of supported employment services is to provide people with disabilities with the employment related skills they require to be able to participate in the main stream workforce to the best of their abilities. I am familiar with the Commonwealth Disability Services Standards. Services are quired to comply with the minimum standards. The minimum standards are designed to meet the objectives of community integration. Standard 2 requires services to meet clients individual needs. Standard 10 requires services to maximise the employment prospects of each person and standard 11 requires the maximisation of the clients employment prospects through relevant training.

If I could just interrupt you there, Mrs Dickenson? I understand you have a copy of the standards with you?---Yes.

They are available to ensure they have got not notes, etcetera, on it. Well - - -?---I have written everyone's names down on them in case I got a blank, that's all.

Okay. The standards actually for the assistance of the commission are contained in HSUA2 that I will be referring to. They are actually contained at the last tab, tab 11. Mrs Dickenson, could you just take us to the standard 2 that you have referred to in your statement? It is on page 6 of HSUA2. Could you just read what it says under individual needs and minimum supporting standards?---Right. Standard 2 says that each person with a disability receives a service which is designed to meet in the least restrictive way his or her individual needs an personal goals. Now, the minimum supporting standards for that are 2.1a: the agency has developed written policies and procedures on planned approaches to meeting individual needs. Point 2.2: the agency's policies and procedures on planned approaches to meeting individual needs are made available to consumers in appropriate formats.

2.3: The agency, in consultation with each consumer, identifies and documents the individual, ongoing and changing needs of the person with a disability and the approaches for meeting those needs. And 2.4: The agreed approach for meeting each consumer's individual, ongoing and changing needs is implemented and reviewed with that consumer within an agreed time frame.

Okay. Can you just take us now to the standard 10 that you referred to which, I understand, is on page 15?---Yes. Do you want me to read through that again?

Yes, please. Would you like to just wait for everyone to catch up with you.

DEPUTY PRESIDENT ROBINSON: I am a bit slower, yes. Standard 10, employment support?---Yes. Now, the employment prospects of each person with a disability are maximised by effective and relevant support. The minimum standard for that is 10.1: the agency has a commitment to successful long-term employment for each person with a disability.

MS HARVEY: Right. Now, if you could go to standard 11? It is on page 17?---Right. Standard 11 says that the employment prospects of each person with a disability are maximised by effective and relevant training. The minimum supporting standards for that one is 11.1: the agency has a commitment to successful long-term employment for each person with a disability, and 11.2: the agency ensures that people assisted in Commonwealth funded employment services before 1 March 1993 continue to receive a "wage" allowance or other payment not less, in real terms that they received at that date.

Could you just explain to the commission what would happen to a service if it did not meet those minimum standards?---My understanding is that it would be de-funded.

Right, so that is the basis. Okay, perhaps if you could return to your statement?---I was up to, to meet these standards?

Yes?---Right. To meet these standards the following steps should occur. One, a full analysis of what is required to be part of the workforce and to do a particular job. This is not only particular tasks of a particular job, but also the associated skills anyone needs to have to be part of the workforce. These include such things as travel skills, social skills, budgeting skills, tax skills, appropriate behaviour skills, organisational and communication skills. Two, an assessment against the above requirements of the client's skill needs. This may involve other professionals, for example, an occupational therapist or a speech pathologist. I co-ordinate this process within the male house. Ideally, the IPP should be co-ordinated with other services that are supporting the client as well.

Point 3, the development of an individual program plan in consultation with the client and if required, the individual's advocate. This assessment should identify which work skills they required and the priority for each skill. Number 4, implementation and monitoring of the IPP. The program

needs to be put in place in conjunction with the staff. To do this properly it involves meeting with the supervisory staff, documenting their role, ensuring that they have the skills to implement the plan, regular review and update, liaison with families and other significant advocates. For example, if someone is deaf and has no sign language, lipreading or communication skills, we would need to put together a program that addresses that requirement within the supported employment context and encourage other services used by the individual to support the person's development of those skills.

Now, point 4, the skill requirements of my position. My position requires the skill to do all the duties and responsibilities listed above, however there are some more nebulous skills that are very important and often overlooked. 4.1, there is tension between production and welfare functions within the organisation. So, to understand the skills necessary here, it is important to recognise that there has been a constant tension in which supported - sorry, in the supported employment services in which I have worked, between the production and welfare functions. This means that there is a constant tension and conflict between the two functions which I am required to facilitate in addition to the technical skills required to do my job. It requires very special skills to work in this type of environment. these include very good negotiation skills, conflict resolution and management skills, a great deal of assertiveness, extremely good listening skills and creative problem-solving skills.

4.2, as an adviser rather than a direct supervisor, because I am an adviser rather than a direct supervisor, I have to manage complex dynamics to be able to do my job. I have to be very perceptive about the environment everyone is working in to get my job done. And 4.3, diagnostic skills.

Excuse me. Can I just stop you there? I would appreciate it if people who are here publicly in this hearing would not speak. I am finding it very distracting. I am sure it must be difficult for Mrs Dickenson.

MR FITZGERALD: Apologies, Mr - apologies, Mr Deputy President, but the note was passed in that somebody has left their headlights on, and I am - being conscious of the fact that it is difficult to push an automatic car to get it started?--Right. Where was I up to?

MS HARVEY: I think you were, had just finished 4.2 - sorry, 4.3?--Right, okay. So, point 4.3, diagnostic skills. I have to rely heavily upon my diagnostic skills in my job. Often a simple symptom can have a very complex cause. For example, one time supervisors came to me because a client was stealing. Their conclusion was that she wanted to take something home with her. I agreed with the client that she would come to me and I would give her something to take home rather than taking her

things - taking things such as overdue accounts or orders. You could understand that would be very embarrassing in our business if they went missing. However, it turned out that the real problem was an abnormal grieving disorder. When her mother had died, the client had never seen any of her possessions again. She had been moved from her home and her belongings into support services. This was part of the reason behind why she was taking things. The other reason was that she is autistic, and this obsessive compulsive type of behaviour is symptomatic of autism. I needed to provide quite intensive and difficult counselling to assist her to overcome this disorder.

Can I just stop you there? Perhaps you could give us another example of that sort of diagnostic skill that is required?---Yes. I can remember another client who does not have expressive language skills. Do people understand - expressive language skills is what the person can say, receptive language skills is what they can understand, so they are different. In my opinion, this client, who I shall call Sally, can understand what is said to her most of the time but it is hard to tell. Sometime - but at other times, sorry. But her expressive skills are such that all that she can say is "ba", so if you are trying to teach her a skill and she is not getting it right, you have got to work out, is it that she does not understand what you are saying, like a particular concept in instructions that I am giving her. Is it that she does not want to do the skill? Is it that she was busy doing something else and she would rather be doing that job? Is it because she is feeling embarrassed because she is having one to one attention? Or, if I have removed her from the work area, is it embarrassment because she has been pulled out in that way? It is very difficult to tell when the client cannot tell you. Yes, so - - -

DEPUTY PRESIDENT ROBINSON: Sometimes impossible?---I have not come across a case that I have not eventually been able to find a way through but I guess - and I guess my philosophy is that it is never entirely impossible, and that is what our organisation is there for, to solve those hard problems.

I appreciate your skills. I do not always completely understand what people are saying to me, and therefore whether they are receiving messages I am trying to get to them.

MS HARVEY: I will remember what to claim next time I am having difficulty, that I have got receptive disorder. If we could turn over the page into 4.4?---Okay. So, this 4.4 is the skills gained through my qualifications. I use the skills acquired through my tertiary psychology qualifications in my everyday work. In addition, the management post-graduate training I have done has been very useful. I need excellent analytical skills to be able to do my job and my tertiary studies have given

me a very good base in this area. I have called on other tertiary qualified personnel in my work as well, for example, social workers, occupational therapists, physiotherapists, speech pathologists, audiologists, doctors, psychiatrists, psychiatric nurses and teachers.

Could I stop you there for a sec? Could you clarify how are these people employed that you are referring to?---They're employed by other services.

Right. Okay. Can you describe any trends in the employment of health professionals in this industry?---In my opinion it's becoming much more professionalised. They're certainly teaching at the university, instead of it being one or two weeks, on intellectual disability and it's implications in the medical model they're doing now full units for semesters on intellectual disability. Certainly other people with whom I've worked, like occupational therapists, have had specific training in intellectual disability and it's my opinion that if we're to provide a proper service for our clients then we will have to become a lot more professionalised.

Right. And what professions do you think are likely to be employed in the industry rather than just someone you refer to?---Right. Well, the people that I have used the most, so that I would presume would be the trend that it would go, have been social workers and occupational therapists and speech pathologists as well. They've been the most useful to me.

DEPUTY PRESIDENT ROBINSON: I suppose, I might be forgiven for asking the question, whilst I could understand clearly why you would want to seek the assistance of other personnel, such as speech pathologists and occupational therapists, why would you be wanting to consult with other people who have similar expertise as yourself? Just to get a second opinion or what?---Are you referring to the psychiatrist?

Yes?---Yes. I've used psychiatrists where I've been unclear, because it's been - I've felt that whilst it was probably within my area of expertise, I didn't have a lot of experience so I wanted to pick their brains.

Yes?---And also for, in particular, a family situation where I didn't want to become involved very closely with the family situation but I could identify that they needed assistance very much so.

Right?---So, I referred several situations to a psychiatrist to - - -

Who may perhaps be involved with the family whereas you are not?---That's right.

Yes?---And they can use medication whereas I can't and these situations, in my opinion, should have been looked at to see whether medication

would be useful and obviously a medically trained person must do that, not myself.

Yes. And you would generally consult, I think, nurses, psychiatric nurses?---Yes. Yes.

Probably less qualified than yourself?---I'm not exactly sure about that. The psychiatric nurse that I did consult has a university degree in nursing. They've just got a different area of expertise and they were able to provide more ongoing support for that family than I was and more appropriately, I thought.

Right. Thank you. Sorry to be difficult.

MS HARVEY: Okay. If you could just turn to your statement in relation to other staff?---Right. Point 5, other staff, the skills of lower level staff are critical in allowing me to do a good job. I rely on them to implement a lot of the individual program plans. It's very stressful for supervisory staff. They're in the position of having to permanently make the assessment and the decision, "Will I do human services tasks or will I do production tasks in this instance?" In my experience, supervisory staff need the following skills, they need to be good communicators, they need to have good observation, for example staff can tell when one client's epileptic fit is about to start from his behaviour. If they rub his shoulders and thump him on the back the attack can be averted and they work that out themselves.

Diagnostic skills or the ability to identify the problem and communicate it to higher level staff accurately, the ability to sit down and work out problems with other staff. They need to be good advocates. They need to have behaviour management skills and they need to have a thorough understanding of development and learning processes. They need the ability to communicate with people who have communication difficulties, for example respective or expressive language disorders. They need to be able to manager epilepsy and autistic behaviour. They need production skills as well. They need the capacity to identify when there are interpersonal problems arising within the work area and be able to do something appropriate about them and they need the ability to intervene initially in problems at the work place, for example, to do something to diffuse or resolve problems and if it doesn't work know who to come to and consult and when.

This includes the capacity to predict what may happen. They need to sum up the situation within seconds and diffuse it immediately, for example, one client says, "Beans," when he's about to get very angry. The supervisor needs to be able to get to him and calm him down. They also need

vocational training skills. I believe that it's not often understood that supervisors need both production and human services skills. Sometimes the production skills themselves are very difficult, let alone the human services skills.

Can I just interrupt you there for a sec? You have talked about the level of stress as it relates to clients. Does the - how does the varying levels of clients dependency affect stress of these staff?---Right. That's an interesting question. Individuals really vary within themselves as to how much support they need, for example they might be really quite good at doing a production task so they can be left with minimal supervision to do that, but if you take your eye off them then they might very busily start undoing what they've done for the entire day, which is not very satisfactory. So, and even people sort of with what we might say as higher level skills still need supervision because otherwise they wouldn't be in our service.

Right?---Yes. So, I mean, even though people look like they've got varying levels of support it's just varying in different areas within the individual.

Thanks. Would you mind returning to your statement?---Right.

You are up to "added"?---Okay. Thank you. Added to all this a supervisor needs to be able to work well in a stressful work environment and be very controlled. Just working in a supported employment environment can be very stressful, for example, clients need to be kept an eye on all the time, such as the woman who is taking things home. Clients who say "good morning" constantly, or barge into conversation - you never know when someone is going to have an epileptic fit, fall over and hit their head on a table or a client having a fit, which happens on average about once a month. A client might get frustrated and demonstrate challenging or violent behaviour. This would happen about once every three months. But staff - - -

Sorry, was that three months or three weeks?---Oh, I beg your pardon, three weeks. I am uptight, aren't I? Staff probably head off more incidences because of their skills and staff need to be aware that comments that you and I would laugh off can be very damaging to someone with a deprived social experience. It is never restful and there is no such thing as an easy minute. The same as doing all of the things above the supervisor has to remember each person's IPP and their own role in it.

DEPUTY PRESIDENT ROBINSON: Could I interrupt by asking would some of the clients be on medication - - -?---Yes.

- - - in relation to behavioural problems?---Some of them are, yes.

Yes?---It is not always successful.

No?---(6) industry training. I have known three employees of Oak Enterprises who have completed the developmental disabilities course and with whom I have worked. I've noticed a real difference in the way they interact and the way they deal with clients. Their analytical skills are much better developed and they are better at bringing information to senior staff. In addition then tend to be more professional in their approach. Point 7, staff turnover. I have seen a lot of management staff leave Oak Enterprises. Out of 14 in the management team I'm the fourth longest serving employee, or I was. I've only been there five years and some positions have changed two or three times in that time. One of the reasons I left is that there is no real career structure. I also feel dissatisfied because the training and development officers and production managers were promised that we were all on the same level of wages. It has become clear that we are not.

Point 8, conclusion. In this industry we are dealing with people's lives. The clients don't have the capacity to go somewhere else or object to a particular aspect of a service. All staff need to be advocates and need to understand the ramifications of what they are doing and saying.

Just a little supplementary question if I may, which is a follow-up on one I asked before? Would staff at Oakdale be trained and skilled at recognising side effects of the various medications which they would know the clients were on?---In my experience no, they are not trained in that.

No?---No. Though one of the services, the Independent Living Training Service I can remember organising training for the staff there about medication and its effects. That was three staff undertook that training one of whom has left now.

Yes. It could be a fairly complex area perhaps?---Yes, it is for people who don't have that training, yes.

And would staff at Oakdale have as part of their duties the need to remind and help clients in having their medication in the correct dosages and at the appropriate times?---Right. As a service we have tried to minimise that because of the legal ramifications. If a staff member got it wrong and they weren't trained, but we also have a legal obligation to assist people and a duty of care if they need that assistance.

Yes?---What we have tried to do is train people to take their own medication and those people who have needed a bit more support we've

organised the purchase of dosette boxes which are plastic boxes with sections in them that are kept separately with individual lids on those sections with the day on it and perhaps the time as well, so a supervisor might keep that dosette box in their - in a safe place and some - the client will go to that supervisor. The supervisor will ensure that the client only empties out the medication that they are supposed to take and supervises in that way.

Yes?---We felt that we were living up to our duty of care in that way as well as assisting the clients that needed it.

Yes. Right, thank you.

MS HARVEY: I have no further questions for the witness so I will hand over to Mr FitzGerald.

DEPUTY PRESIDENT ROBINSON: Yes. Are you ready at this time, Mr FitzGerald?

MR FITZGERALD: Probably not, Mr Deputy President. I think, given the extent of the statement there are other aspects of the statement which I have not really had an opportunity to look at. I do acknowledge that it is somewhat unusual to seek just a brief adjournment to more fully consider the statement, but if I could do so in this instance, given the nature of the evidence she has given and also - the witness has given I am sorry - and the extent of it, we very much appreciate - - -

DEPUTY PRESIDENT ROBINSON: It is not completely unknown, Mr FitzGerald.

MR FITZGERALD: No, no, but it is unusual, I would acknowledge that.

DEPUTY PRESIDENT ROBINSON: Yes.

MR FITZGERALD: But I think given that it is a very lengthy statement and even though it is appreciated that it is easier to follow given it is in a witness statement form, I think, given the extent of it we would seek to have an adjournment to more fully consider it and then seek to cross-examine following that adjournment, if we could?

DEPUTY PRESIDENT ROBINSON: We would - I mean, I take it that you would not want very long?

MR FITZGERALD: Probably half an hour I would suggest because - if we could?

DEPUTY PRESIDENT ROBINSON: Would you?

MR FITZGERALD: Yes.

MS HARVEY: Mr Deputy President, I must admit I am beginning to find this fairly frustrating in terms of - - -

DEPUTY PRESIDENT ROBINSON: Well, you must learn to control your frustrations here in this place.

MS HARVEY: Well, yes, I am certainly learning that due to this experience as well, but I would suggest that it is appropriate that there only be a 15 minute adjournment. I think it - I would not like to inconvenience Mr - - -

MR FITZGERALD: That would be acceptable.

DEPUTY PRESIDENT ROBINSON: Right. We will adjourn for 15 minutes.

SHORT ADJOURNMENT

DEPUTY PRESIDENT ROBINSON: Yes, Mr FitzGerald.

MR FITZGERALD: Thanks, Mr Deputy President, for that opportunity for an adjournment. I think the same courtesy should be extended to Ms Harvey when we seek to present our witness in rebuttal so - - -

DEPUTY PRESIDENT ROBINSON: Well, I am sure it will be.

MR FITZGERALD: - - - I am certainly happy to acknowledge that that is fair and proper at this point.

DEPUTY PRESIDENT ROBINSON: With a qualification that we do not draw the hearing out too long and grant only brief adjournments to the extent necessary.

MR FITZGERALD: Right, okay.

Mrs Dickenson, if I could just ask you a few questions. If I could take you through the statement page by page, you mention at page 1 that you in fact were receiving a salary package in excess of level 7 of the HSUAs

application. Was that in respect to the job which you were doing just prior to your resignation at Oak Enterprises?---Yes, it was.

And what was that job?---I was training development officer at the Mail House.

Right. Prior to doing that job what was your role with Oak Enterprises?---It's been many and varied. Just prior to, just prior before I went down to the Mail House I was part-time at Walkabout Industries and part-time at the Mail House.

So, is it so that you had a wider role prior to your final position at Oak Enterprises?---I had a role that was less well done.

Less what, sorry?---Less well done because I was spread more thinly.

Right, but did you have wider responsibilities rather than just one specific area?---You could say that, yes.

Could it be so that your salary package then was structured for those wider responsibilities and then when you were given specific responsibilities at the Mail House your rate was retained?---That certainly wasn't discussed with my employer at the time.

But do you acknowledge that you had lesser responsibilities in your final position with Oak Enterprises than you had at some time prior?---No, I don't, no.

Well, is it not so that you were only involved in one particular area at the completion of your position at Oak Enterprises?---Only one particular section of our service as a whole, yes.

Right, so, is it not natural then to say that you had less responsibilities given that you only had one specific area of responsibility?---No, I don't agree with that in that I was able to do the job better, I was able to do it in more detail and provide a better service for those clients.

Well, just, rather than concentrate on that aspect, the actual responsibilities, is it so that the responsibilities were greater in the position in terms of, the area of coverage in terms of the earlier position rather than the position you finished out at with Oak Enterprises?---They were different and I guess like, you know, they've got a wider geographical spread, if that's what you're getting at?

Yes?---And in that respect it would be true but certainly the responsibilities were different.

You do not acknowledge any lessening of your responsibilities by the position which you finished up with at the Mail House?---No, I don't.

Okay. At point 3 at page 3?---Yes.

You say the objective, I am just quoting from your statement, you say:

The objective of supported employment services is to provide people with disabilities with the employment related skills they require to be able to participate in the main stream workforce to the best of their abilities.

Is that consistent with your statements, sorry, let me say it again. Is there an encouragement then for people with disabilities to work in an open employment environment; is that your view?---That there should, that we are training people to be prepared to go out into the open employment environment, yes.

So, is that the current emphasis to, by government particularly, to require, well, to put people in an open employment environment in open industry?---I think the government are softening their view on that. My understanding is that originally it was; they're now acknowledging that not everyone will make it but that we should still be teaching them those skills.

DEPUTY PRESIDENT ROBINSON: It is a bit difficult for Mrs Dickenson to speak about what government objectives are, is it not?---It is, actually, yes.

MR FITZGERALD: Well, I understood that you have had some involvement with government monitoring?---Yes, that's correct.

Okay, so would you have an overview of what government objectives are in this area?---I would have a fair overview, yes.

Right?---Not a detailed one in some areas because they are changing their expectations.

What would you say is the current model; is it one based on a generic model for employment in general industry or is it one based on a medical model?---I see it as a hybrid, I don't see that the organisation should be run as an ordinary business entirely but I don't see that it should be run on a medical model either.

So, it is neither one nor the other?---That's correct, yes.

I think you said at page 7 of your statement that there needs to be constant supervision; is that consistent with what you acknowledge as at least part of it a model where there is a more generic approach rather than a medical approach?---Can you draw my attention to the paragraph that you are talking about, please?

Well, you say at page 7 that, by example, you said:

For example: clients who need to be kept an eye on all the time such as the woman who was taking things home.

?---Right.

And just prior to that you say:

Added to all this a supervisor needs to be able to work well in a stressful work environment and be very controlled. Just working in a supported employment environment can be very stressful.

?---Yes.

Is that where you see the emphasis?---I'm sorry, I've lost the track of - - -

Or is it an emphasis in terms of a generic model?---Sorry, I've lost the track of your question, Mr FitzGerald.

Right. Let me just go back. I think you have answered the question in terms of - you say that it is a bit of a hybrid. Is that how you see it?---Yes, I do.

Right, okay?---Yes.

Is that your professional opinion or have you had some discussions with government personnel in respect to that?---It's my professional opinion, yes.

But you do not know of the what the official government position in respect to it?---It's my understand that that's the government's position as well.

Okay. It is your understanding that the government - sorry, the government position is the hybrid position you are suggesting, is it?---That's my understanding.

Right. What would you say to the statement that in fact the government position is - the approach to this particular area is that there is a generic approach rather than a medical approach? What would you say to that

statement? Is that so?---I think it comes back to how one defines the medical approach and the implications that come from that.

Well, can you be a bit more specific?---I'm still not quite sure what you're asking, I'm sorry.

Well, I just ask the question are you aware that in fact the government emphasis at the moment is a generic rather than a medical approach? Is that what you say or does that differ with your statement that it is in fact a hybrid approach?---My understanding is that the government position is that we should be operating as a business but taking account of the individual needs of the clients.

All right. Okay. Just moving on to 4.1 you are talking about the tension between production and welfare functions?---4.1 did you say?

Yes. Are those comments only in respect to those Oak Industries?

DEPUTY PRESIDENT ROBINSON: Which comments, Mr FitzGerald?

MR FITZGERALD: The comments of 4.1, the first two paragraphs particularly?---From my experience, no, it's not.

Right. So where does your - so could you say that those comments apply to the industry, for want of a better term, on a statewide basis?---Just thinking through the people from services to whom I've spoken, I don't think I've ever spoken to any training and development officer who didn't say that there was a tension between human services and production.

To what extent have you - to what extent has that consultation been? Has it been on a statewide basis or many different organisations? How many organisations?---Off the top - - -

DEPUTY PRESIDENT ROBINSON: This really goes beyond the statement, does it not? I mean, the statement simply says that - under 4.1:

To understand these skills it is important to recognise that there has been a constant tension in the support employment services in which I have worked.

MR FITZGERALD: Well, I am asking - I think it is open for me, Mr Deputy President, and Mrs Dickenson has in fact said that she has had contact with other services, I think it is open for me to ask her the extent of that consultation. That is simply the question I am putting to her.

MS HARVEY: Can I just state that I think what was asked was Mrs Dickenson's opinion. She never made a statement about every service and the way that it operates in every industry and you are in fact asking her opinion and on what basis she formed her opinion which is quite different to asking - implying that a statement had been made about the entire industry.

DEPUTY PRESIDENT ROBINSON: I am just wondering whether or not it would be within her immediate knowledge to speak for the rest of the state and areas in which you have not worked?---I'm - - -

MR FITZGERALD: I think it is open for me to ask whether that statement applies across the industry as a whole and I have asked that and Mrs Dickenson has answered it by saying that she had contact with other training development officers and she says that the same - - -

DEPUTY PRESIDENT ROBINSON: She said she has not spoken to anyone who has not confirmed the same position.

MR FITZGERALD: That is right, but I am just wanting to know to what extent has that consultation been. I think that is a reasonable question to put to her. I mean, has it just been one training development officer, one particular service?---No, it hasn't. It's been more than that. I mean, I have been concerned about the level of conflict within our organisation and I've been trying to find out from other training and development officers if it happens in their organisation and, if not, what methods they use to make it work better. It's been an attempt to do my job better.

Right. So you - I am still not clear about the extent of the consultation?---Well, it has been on - from services throughout the state.

Right?---And it has been more than one other training development officer, yes.

Okay. Just moving onto 4.4, skills, going through my qualifications, the topic. Are you aware, given that you have contact with other training development officers throughout the state, are you aware of other training development officers who have not got the same qualification as yourself who are in fact performing their jobs effectively?---I do not know any other training development officer who has the same qualifications that I have.

No, that is not the question that I asked. Someone who has not got the qualification?---Right.

MS HARVEY: Can I just intervene there?

DEPUTY PRESIDENT ROBINSON: Well, I thought that is - it is an answer.

MR FITZGERALD: No, the question was put, who has not got the same qualification. That was the question. I just wanted to clarify that Mrs Dickenson was aware of the question.

MS HARVEY: Can I just - I want to object to the question. I do not think it is fair to ask the witness about how other people perform in their jobs when she is hardly in a position to be able to answer that question. And it is really speculation.

DEPUTY PRESIDENT ROBINSON: Well - - -

MR FITZGERALD: I do not think it is.

DEPUTY PRESIDENT ROBINSON: - - - the witness is a witness at large and I - - -

MR FITZGERALD: Let me reframe the question then.

DEPUTY PRESIDENT ROBINSON: - - - just remind Mrs Dickenson that if you do not feel that you are able to answer a question, please do not feel that you are under any obligation to do so. But simply you may, if you wish, say: Well, I am not in a position to be able to speak beyond what I have already said or whatever?---Right. Okay, thank you.

MR FITZGERALD: Right. Let me just rephrase the question then. In your view is it necessary to have a similar qualification as yours to effectively carry out the role of a training development officer in this industry?---A similar qualification, yes.

So you need to have - - -?---But that is not saying that an occupational therapist could not do it as well. So tertiary qualifications in the human services area.

Right. Just in terms of the tab 3, the organisational chart, I think you said that there were - at Oak Enterprises, a number of training development officers at each of those enterprises; is that the case?---Not at each of them, no. And I - and not all of them have training development officers.

All right. Well - - -?---For example, Walkabout Industries have not.

All right. Well, where they have, do they possess similar qualifications to your own?---No. One of them is a fitter and turner, another has a degree in fine arts - - -

Can I just - can we just identify where those - where those people are engaged, which parts of the operation?---Right, okay.

The fitter and turner?---Tahune Fields.

Right?---Oakdale Industries have - the person has a fine arts degree.

Right?---Rosny Sewing Service, my understanding is the person has a welfare certificate, but I am not entirely sure of that.

I am sorry, I missed that, has a what, sorry?---Has a welfare certificate.

Thank you?---But I am not entirely sure of that.

Right. Okay, so they are all in the same position as your previous position; is that the case?---Yes.

Right. How much interaction do you have with those - or how much interaction did you have with those particular people in those positions?---On and off quite a bit.

In your view, because they were not similarly qualified, did they have any barrier to them being able to carry out their job effectively?---As far as the human services aspect of the position, yes.

What - where was the deficiency, in your view?---In counselling skills, and in behaviour management skills, in diagnostic area in understanding what developmental situation the person was in.

All right. Has - had that deficiency ever been brought to the attention by yourself to the organisation?---Yes, it had.

Right. Is it inherent in the paragraph 4, where you say you can call on other tertiary qualified - paragraph 4 of 4.4?---Right.

The last paragraph:

I have called on other tertiary qualified personnel.

Right. Are not those particular specialists also available to other training development officers?---Yes, they are without a doubt, but you need to know what - how to interpret the - the behaviours of the person to know to whom to refer.

DEPUTY PRESIDENT ROBINSON: You need to be able to recognise the problem before you - -?---That is right.

- - - before you then go to the next step of resolving it?---That is right, yes.

MR FITZGERALD: Have you - have you experienced any - any actual case examples where there, because of this what you see as a deficiency in qualification, training development offices have not been able to carry out their role properly?---Yes, I have.

Can you give an example to the commission?---There was a - - -

DEPUTY PRESIDENT ROBINSON: You would not want to name people?---No, I will not name people.

MR FITZGERALD: No just an example, no I am not seeking that, thank you, Mr Deputy President?---An immediate things that has been - a situation that springs to mind is a person who is employed in one of our services, as training and development officers we had in an attempt to help us do our job better, had floated the idea of being available across the entire organisation to other training development officers who needed assistance in a particular area of expertise that they were not all that hot on. I was called in to assess this person, I did so, and worked out what the problem was. We then discussed a program for that person but the people did not have the expertise to follow it through and that person is no longer working for our organisation because the organisation could not cope with the - the behaviour. Whereas it is my opinion that if he had been - had appropriate intervention that we would have been able to.

Right?---And assisted him in having long term employment, as it says in the standards.

Okay. You said, and I think it was in addition to your statement, that in your opinion the industry was going to require the employment of more professional - more people. Is that the case?---I was saying that the industry would be attracting more professional people to its services or the industry but certainly if it's going to fulfil the outcome standards it will need more professional people.

That is your professional view?---Yes, it is.

Is that, in your view, consistent with government policy, that the government will require the employment of specialised people as mentioned in your paragraph 4?---Yes, it is.

And how did you gain that knowledge, that the government in fact are encouraging the employment? Is that what you are saying?---I don't know that the government is encouraging that but certainly the government is

encouraging the employment of staff with appropriate skills and qualifications.

So you say that it is likely that there will be increased employment of people such as physiotherapists, speech pathologists, audiologists, etcetera?---No, I'm not saying audiologists.

Right?---I'm saying social workers, speech pathologists and occupational therapists, I can see a real need for their employment.

What would you say, in fact, to the statement that government is in fact supporting reference to those services but not direct employment of those people in those services?

DEPUTY PRESIDENT ROBINSON: I guess what you - are you saying that the reaction is that such professionals be utilised but not directly employed?

MR FITZGERALD: That is right, yes.

DEPUTY PRESIDENT ROBINSON: But they be employed by either on contract or hired from other agencies or that sort of arrangement?---In response to that I would say that part - that one of the standards says that the employment of properly and appropriately qualified people to - for the provision of services.

MR FITZGERALD: But that does not include specialist services, like audiologists, for instance?---I wouldn't - I don't see the need for the employment of an audiologist.

Are you aware, given your involvement in the industry, of any disability organisation in Tasmania which employs such people, such qualified people?---Well, Oak Enterprises was employing me.

Right. No, I am just - outside Oak Enterprises?---Right. I'm actually not aware of other people's qualifications, yes, so I wouldn't really like to make comment on that.

So, you would not necessarily agree with the statement that the industry is encouraged to use services on a consultancy basis rather than engage them directly?---No, that's not what I'm saying at all.

Okay. Could you clarify it?---Right. That I would say that the industry is encouraged to use specialist people that can be used on a one off basis, for example, optometrists and audiologists, to ensure that our client group are getting proper professional services that are appropriate.

You say at point 5, the second dot point, your observation of that and you mentioned about when staff can actually tell whether someone is having an epileptic fit. Is that, in your professional opinion, a good practice for a supervisor to do that?---To observe?

No. And then I think you mentioned the next thing is if they rub his shoulders and thump him on the back the attack can be averted?---Right.

Is that good practice?---That would be a question that you really need to ask a medical person. Epilepsy is a medical condition, I'm not able to answer that.

Could there not be some risk of supervising staff who had not that ability, could that not cause an adverse reaction?---Right. We've discussed it with the gentleman's GP and the GPs response was, "Well, if it works use it."

Supervisors in this industry, in your view, are they engaged for their skills relating to production and the supervision production or are they engaged for their ability to be able to relate and handle people with disabilities?---It's our policy at Oak Enterprises to employ people who had both of those skills. We try to be very careful to get people who could do both.

So, in your view, would the supervisors have those skills which you set out in those dot points, at Oak Enterprises?---The majority of them would have some of them at least, also the majority of them need more training in some areas.

You mentioned at the bottom of page 7, you instanced a client having a fit and this happens on an average of once a month. Is that something which just happens at Oak Enterprises or something which is common throughout other services? Do you have any knowledge of that?---I don't have knowledge of that, no.

You mentioned just at the dot point above, you say that you never know whether someone is going to have an epileptic fit, fall over and hit their head on a table. Is that not something which could happen in any situation, rather than a situation which you refer to here?---It would certainly happen in any industry, yes.

Right?---But it's more likely to happen in our industry.

Well, can you substantiate that statement? Have you any evidence of that situation occurring?---I guess - actually, you're right, that was a professional opinion, I should have made that quite clear, and it would be

my professional opinion that people with uncontrolled epilepsy are more likely to be in our service than they are to be in the general population.

So, it is more likely to be, did you say?---Yes.

Right?---In my opinion.

In your opinion. So, there is no substantiation of that, it was just something that you feelinaudible. ?---Yes, that's correct.

You have no material to substantiate that?---There's nothing to test, no.

Why do you make that statement that it is more likely to? Is there any particular reason?---That is my impression.

DEPUTY PRESIDENT ROBINSON: You have seen people have epileptic fits?---Yes, yes. Yes, and that they have uncontrolled epilepsy.

MR FITZGERALD: And you do not know whether this is something common throughout the industry?---I cannot comment on other industries' clients, no, or other services' clients.

You mention another point at .8, a client getting frustrated and demonstrating challenging and violent behaviour. This would happen once every three weeks - - -?---Point 8, hang on, hang on, can I just - - -

DEPUTY PRESIDENT ROBINSON: Point 8?

MR FITZGERALD: Sorry, page 8, I am sorry, I should have - it is the next dot point.

DEPUTY PRESIDENT ROBINSON: At the top of the page, page 8?---Right, thank you.

Is that the reference? At the top of page 8?

MR FITZGERALD: That is right, yes.

DEPUTY PRESIDENT ROBINSON: Yes.

MR FITZGERALD: Yes, you mention that, yes, this would happen about once every three weeks. Is that something which is common in services from your knowledge and belief?---Again, I cannot comment on the clients of other services.

And on what basis do you make that statement that it would happen once every three weeks? Is there an substantiation of that, or was it just something which you feel is a reasonable interval?---Again, that is my observation and my estimate of how often it happens.

You say about staff turnover:

I also feel dissatisfied -

this is at .7 -

I also feel dissatisfied because of TDOs and production managers were promised that they were all on the same wages.

When was that - when did that occur?---Over the years, I have had several conversations with the general manager about the conditions and wages and it was always said, you are on the same wages and conditions. Like, we got more money, they got a car. That sort of thing.

Did you discuss that with other TDOs and production managers, or just your belief?---No, that has been discussed with other people.

So, they had the same view that they had been promised? Is that what you are suggesting?---I am just trying to think back on the conversations. It is my memory that yes, they were saying they had been.

And that is the principle reason for you leaving the organisation?---That is a reason, yes.

Right. I think you have said you resigned and you were travelling overseas. It is not one of the other reasons, is it?---What, that I was going to travel overseas? No, no.

Okay. But you say there were other reasons for you resigning?---Yes.

Oh, okay. You conclude your statement by saying:

This industry is dealing with people's lives, these clients do not have the capacity to go somewhere else or object to a particular aspect of a service. All staff need to be advocates and need to be understanding the ramifications of what they are doing.

Is it not so that the policy in the industry is that clients should have access to outside agencies, and there be a policy referral? And they were encouraged to:

The staff are encouraged to refer clients to outside agencies.

?--Well, that is true. I guess people need to be given the information that there are outside agencies to use if they have a grievance, and they need the skills to be able to access those outside agencies, and a lot of the clients that I have dealt with do not have those skills.

Could it be so that your statements, particularly why, where you say:

All staff need to be advocates -

were, in fact, those needs could be satisfied by people outside the service?--No, I do not think so, in that, I mean, to bring in an outside advocate the client needs to have a fairly reasonable sized grievance whereas if it is just an internal matter, a client is unsure or unhappy about a particular aspect of the service that he or she is receiving, then the first step of our grievance procedure is that they consult with staff about that. Now, the staff person needs to be able to determine whether that is a fair grievance or a misunderstanding, or what the situation is, and take it on further if the client requests that or needs that or they think it is appropriate. Sometimes clients are not aware that the, for example, this furniture that they are sitting on is not appropriate. Staff need to be able to speak up and say, look you know, we have got to do something about this, as an organisation. I think it is very important.

DEPUTY PRESIDENT ROBINSON: Are you promoting the use of outside advocates, Mr Fitzgerald, per se?

MR FITZGERALD: Myself, you mean?

DEPUTY PRESIDENT ROBINSON: Yes.

MR FITZGERALD: I think I - I think the question was fairly put to Mrs Dickenson. I have no further questions, either.

WITNESS WITHDREW

DEPUTY PRESIDENT ROBINSON: Thank you, Mr Fitzgerald. Do you need an adjournment, Ms Harvey, to exercise your final right?

MS HARVEY: I wanted - perhaps you would bear with me for one minute, just to gather my thoughts, then I do not need an adjournment which will not get everyone to pile out and pile in again.

DEPUTY PRESIDENT ROBINSON: Right, thanks.

MS HARVEY: Now, Mr FitzGerald made quite an emphasis about the difference between a generic model and a medical model. Could you perhaps just explain what you understand those two models to actually mean?---Can I explain what he was saying about them?

Well, he used the term "generic". What does that mean to you?---Generic model means to me that - actually, I wasn't quite sure on the way that Mr FitzGerald was using the words.

Is that a term that is often used in the industry?---Not really, no.

Right. What would be an equivalent of - - -?---I mean, I guess some - no, that's not quite true. When we say generic services, we are saying, like, taking people to the ordinary audiologist, you know, not to some specialist audiologist. That's the way it is used in the industry.

Right, okay. So when he was asking you questions about the difference between generic and medical models and services being hybrid, I was wondering whether you could expand on your response to that in terms of what those two things meant?---What the hybrid service means, do you mean?

Yes?---Right.

I was not clear on what was being put to you?---I'm quite confused as well, I must admit. But my understanding of how the services are supposed to be operating is that we use generic services where possible but we also ensure that we have appropriately trained staff to ensure that the individuals get a proper and appropriate service - - -

Right?--- - - - and one needs those proper - that proper training to be able to identify where somebody needs to be referred outside and where the service should be able to deal with that situation internally.

Right, so the tension you were talking about, what was that between in your statement in section 4.1, that tension, on page 4? Which two models were you talking about the tension being between?---Right. Well, I guess - right, I understand where this confusion may have come from now. I was talking about the inherent tension that there is in the supported employment model, that we have a requirement to fulfil our production responsibilities.

We have contract; they have to be ready on a due day; they have to be of good quality; they have to be all the other things that the customer requires and they have to be produced at the cheapest rate that we can produce them. So there is a drive to do things, to fulfil all of those requirements and to get the bottom line looking as healthy as it can be. So there's a tension between the production side and the welfare or human service side whereby if we are going to train people to do jobs, then it's done a bit more slowly, it's a bit more expensive; that somebody may be learning to be assertive and they are beginning to say things like, "I'd rather not work on that contract. I want to work on another contract because I want to learn how to do the skills on that other contract." But they're really good at the first contract which we have to have out by 5 o'clock that night. So there's that argument, you know, like should we use that person where they've got already skills because they're good productive-wise, or should we train them in the new skill that will help them access higher wages, our internal wages system, by learning that skill, and all the other ramifications that come from learning those skills, including higher self esteem, etcetera. I mean, I could give you countless examples of that.

Yes. No, that is fine. I think we are now clear, what you are talking about, and the generic issue is actually an additional issue without external services?---That's right, yes.

Right, thank you. Now, in terms of the - - -?---I'm sorry if I confused people.

No, no, I do not think you did. I think the confusion may have had another source. At the outcome standards, what is the status of the standards that you referred to in your statement?---The 2, 10 and 11?

Yes?---They are minimum standards: They are standards that we have to meet to continue receiving our funding.

Right. So they are actual standards, not a statement of intent of policy or some - - -?---My understanding is it's black and white.

Black and white?---Yes.

Right, thank you. Now, you were asked questions about how many TDOs you had contact with?---Yes.

Could you just answer that question? How many in your work over the five years, what the number of TDOs you have had contact with?---Right. Within our organisation or state-wide?

State-wide, and in what capacity?---Goodness. Can I have a little time to think through - - -

Yes?---From memory, it would be - actually, I'm counting all of ours as just one-offs, but a lot of positions have changed - 15 or 16.

And in what capacity would you have had contact with these TDOs?---There are - again, I'm doing my best here.

No, just an estimate?---Six or so who have been employed within our own organisation, so as colleagues, and the balance who have worked in other organisations, some of whom have been sent to me for - you know, to find out how the industry works the training development role in the industry; others that I've worked with as colleagues, you know, like, "I've got this problem. How are you dealing with it?" Others that I've seen at workshops and seminars.

So approximately nine outside of your own organisation?---Yes, yes.

Thanks. Just one follow-up question to that. In terms of the number of TDOs employed, sort of, in the state, could you give us a rough estimate of how many you think there are?---It is quite difficult for me, but I would say - and I am going out on a limb here - approximately 20.

So you would have had contact with approximately half of them?

DEPUTY PRESIDENT ROBINSON: I do not think you have to go out on a limb, Mrs Dickenson. I mean, it is not always easy to remember precise figures or to judge space or time as a witness?---Yes.

MS HARVEY: Okay. I have not got much longer to go. Mr FitzGerald asked you about the two levels of responsibility that you had with your job that focused down in the Mail House in the more broader position?---Yes.

Of the functions that you listed of your position in page 2, you have made a distinction between - in the position you have just resigned from and the ones that you are responsible for at different times?---Mm?

Now the skills that you have been required to have in those two jobs have they substantially varied?---Again it comes back to the statement that I said about they were different, so I did use different skills. But it doesn't mean they were at a lower level at all.

Yes. Now if I can just turn to the issue about the employment of health professionals, you said that there was referral to out - to outside services and that you would expect that internally that services would perhaps

employ more health professionals as well; why, as a manager would a service employ a professional rather than refer?---Right. I guess there's always a - I mean, if the manager was interested in providing a proper professional service that would improve the lives of people with a intellectual disability then they would be interested in ensuring that the individuals were getting appropriate service at the right time. There are often waiting lists to use other services. A person who is actually employed by the service can provide services more immediately and I believe more appropriately because they know more about the service. They can know what facilities there are to use, or ones that other people might not see that are able to be used, but could be changed slightly so that like an outside person might say, well, have you got such and such in the services they know, but an internal person will know that, yes, that does exist, if it is, you know, there's something about it or some portion of it, yes. I think we owe it to our clients to be giving them the best service that we can.

Okay. And would there - how would cost impact on that decision? You seem to be making a distinction between services that are used more regularly than other services?---Yes. I guess overall it would add to the greater efficiency of the organisation. So I mean that is obviously a cost factor there that needs to be taken into account. And with time as well, there's that aspect too, that the time used would be cut down. Those sorts of aspects.

Great. Thank you. Now, if I can just turn to the issue about the skill requirements of supervisors?---Right.

You were asked questions about whether supervisors actually required - were required to have these human services skills as opposed to production skills. Are you aware of any supervisors in Oak Enterprises that are actually being trained in the human services side of things?---Yes. Yes, I am.

Right. Could you explain just who that is or what position that person is in?---Right.

What the training - - -?---We have got one person who is the co-ordinator of the independent living training unit who has human service training. The second in charge there has human service training and over the years we have had other people who have had human service training in supervisory positions.

Right. And in the male house itself are there supervisors who are involved in training?---There's one person who's undertaking training on a part-time basis at his own expense.

Right. Is her receiving any support form the organisation?---His fees were paid but he takes the time off without pay to do that.

So the support that Oak Enterprises is giving to that supervisor to do the training, is that consistent with their own policy processes of supporting and training in human services?---I - - -

MR FITZGERALD: Is that an answer - question or an answer?

MS HARVEY: I will withdraw that question, if you like? I withdraw the question.

Just one final question in relation to the issue of epilepsy; you stated that it is more likely in supported employment than in open employment?---In my opinion.

In your opinion?---Mm.

Why did you hold that view?---From my own observations as well as clinical literature that I have read but I cannot quote the references at this point in time, so maybe that is a little big dodgy - - -

No, actually, can I just come to that; so you are saying your view is informed by clinical research and clinical information, not just your own personal view?---My memories of the readings that I have done is that - would support your statement then, yes.

Okay. Thank you. That is all the questions that I have, Mr Deputy President. Thank you.

DEPUTY PRESIDENT ROBINSON: Thank you very much, Mrs Dickenson?---Have I finished?

You may step down and thank you very much for giving this evidence today?---Thank you. Right.

THE WITNESS WITHDREW

MS HARVEY: I am just wondering how we wish to proceed at this point in time? Perhaps I - - -

DEPUTY PRESIDENT ROBINSON: Well, we are largely in your hands. Are you - would you like us to break off at this time and resume at some odd hour?

MS HARVEY: Well, would it be convenient to the commission if we adjourned now and reconvened say at a quarter to 2? It the normal luncheon an hour?

DEPUTY PRESIDENT ROBINSON: The staff here have regulated hours.

MS HARVEY: Do they?

DEPUTY PRESIDENT ROBINSON: And their lunch break is between 1 and 2.

MS HARVEY: Between 1 and 2. In that case, perhaps if we proceed and

DEPUTY PRESIDENT ROBINSON: Very well, yes. Thanks again, Mrs Dickenson.

MRS DICKENSON: Thank you.

MS HARVEY: Mr Deputy President, I will now be turning to the issue, the issue set out in 5.2 of my submission, and you recall from HSUA1. In HSUA1 the - it outlines the process of my submissions and we have covered section 1, 2, 3 and 4. And I have also yesterday covered section 5.1 in relation to the wage fixing principles. I now intend to turn to the issue of relativities in the classification structure.

DEPUTY PRESIDENT ROBINSON: Right, 5.2?

MS HARVEY: 5.2, that is correct. So, in that regard it would be appropriate if I now hand up an exhibit for this section.

DEPUTY PRESIDENT ROBINSON: Yes, I think we should appropriately label this exhibit.

MS HARVEY: 5.2, HSUA 5.2, Mr Deputy President.

DEPUTY PRESIDENT ROBINSON: 5.2, I am advised. Exhibit HSUA 5.2

MS HARVEY: One of the requirements of the structural efficiency principle, one of the issues that is recommended that is addressed is

including the - in any structural efficiency principle exercise that looks at classification structures is to include properly fixed minimum rates to classifications in the award related appropriately to one another with any other amounts being in excess of these properly fixed minimum rates being expressed as a supplementary payment.

Now, I have already provided submissions yesterday and evidence yesterday that clearly demonstrate that it is the - a clear aspect of the structural efficiency exercise is that proper relativities should be drawn both across awards and within awards so that in fact we are looking at a bi-plane approach, if you like, in relation to establishing relativities. And I have already stated that the three things that must be considered are the level of relative skill, responsibility and the work environment.

Now, in relation to the HSUAs application, we submit to the commission that our application is consistent with that requirement. And in order to demonstrate this consistency I will be addressing the issue of relativities in this part of my submission. Now, HSUA5.2 contains three documents. The first document is the SNC, State Negotiating Committee skills analysis, and that is contained at tab 1. At tab 2 there is a comparison of the HSUAs application, the skills analysis undertaken by the SNC and the Metal Industry Award in terms of relativities. And at tab 3 I have included a comparison with relevant national and state awards that cover similar sorts of work to try and - to demonstrate that our application is consistent with the approach taken in other jurisdictions, and therefore meeting this requirement.

So, if I could turn to tab 1. And I think it is important in dealing with tab 1 that I - that we go to the introductory comments made in the report prepared by Ms Jones in relation to this skills analysis. In particular if I could take you to page 1, which is headed: Overview. It is not actually - it is actually three pages in but it is numbered page 1. And in particular if I could take you to that first paragraph there and it says, and I quote:

As part of the process in the restructuring of the Welfare and Voluntary Agencies Award Information acquired from employees has been validated with supervisors and employers.

And if I could just skip a paragraph, it says:

The classification levels were written with the Metal Industry Award as a guide considerable inconsistency within each of the current classifications across the industry.

Now, if I could just say in relation to that final point, I think this reflects the problem with the - this statement reflects the problem with the award

as it currently stands and why such a restructure is required. It is not consistently applied, it is not dealing with modern circumstances. People have tried to use it, but it really is not appropriately structured how it currently stands.

Now, the next page on: Introduction. If I could - - -

DEPUTY PRESIDENT ROBINSON: Before you go to that, do we know by whom Mr Steven Gates is normally employed?

MS HARVEY: I was just coming to that point, Mr Deputy President. On the bottom of page 2, under the introduction, it says:

Ms Jones was contracted as the principal consultant using these resources to complete the skills analysis with the assistance of Mr Gates.

Now, Ms Jones was actually - at the time the project first commenced - was an employee of my organisation. She was our training liaison officer. However, she was appointed - for the period of the project we in fact in equivalent seconded her to the process so that she was indeed responsible for the State Negotiating Committee, not my organisation and was very careful in that. Now, Mr Steven Gates worked for the TCCI and he was employed by that organisation and, likewise, he worked with Ms Jones together on the project; Ms Jones as the principal consultant and Mr Gates as an assistant.

DEPUTY PRESIDENT ROBINSON: And you say they were both responsible to the negotiating committee?

MS HARVEY: For this project, yes, indeed. It is not a situation I think any organisation, either the employees or ourselves, would have preferred. We actively sought funding but that was not possible. Now, this only applies to the first stage because then what happened is Ms Jones left our employment during the project. We were successful in receiving a grant from the Industry Training Board in this state and so then the State Negotiating Committee, through the auspicing body for the funding which was the Tasmanian Association of Disability Services, which is an employer body, they were allocated the funding and auspicing the project. They then entered into a contract with Ms Jones to complete the project when she left our employment. So at that stage she was no longer our employee and, indeed, was working under this grant that was auspiced by the Tasmanian Association of Disability Services.

DEPUTY PRESIDENT ROBINSON: When Ms Jones was employed by you and she was also involved in this task was she full-time or part-time on her work in conjunction with Mr Gates?

MS HARVEY: She was employed with our organisation for four days a week and her primary responsibility was in relation to this. However, there were other things that were incidental to her work which she also had to do given that she was subject to a grant that we were respondent which required certain outcomes. So I am not pretending it was an ideal circumstance at that time but it was an attempt by the industry to try to deal with the very real fact that we had no resources, and then once she actually left it was much clearer and she became a formal employee - a formal consultant on the project and no longer had any employment relationship with my organisation.

DEPUTY PRESIDENT ROBINSON: Right. And the funds were drawn from an external independent source as it were?

MS HARVEY: Yes, the funds were drawn from the Industry Training Board and then, as I say, the actual funds were administered by the employer association, the Tasmanian Association of Disability Services and the contract was between that organisation and Ms Jones.

DEPUTY PRESIDENT ROBINSON: Right, thank you.

MS HARVEY: However, Mr Gates still did work for the TCCI when he continued his involvement.

DEPUTY PRESIDENT ROBINSON: Yes, but again with some external funding to him presumably?

MS HARVEY: The critical issue is employee relationship. He was actually funded from an outside source. Many organisations receive funding, as we do, but the critical issue is the employee relationship and his employer/employee relationship is with the TCCI.

DEPUTY PRESIDENT ROBINSON: Yes, but you came back to the same - that both Ms Jones and Mr Gates had a - were accountable to the State Negotiating Committee - - -

MS HARVEY: That is correct.

DEPUTY PRESIDENT ROBINSON: - - - in this particular exercise we are talking about.

MS HARVEY: Certainly, that is correct, and I will take you to that. Actually, if we just read the top page of the introduction here it perhaps may assist with this:

For the purposes of restructuring the Welfare and Voluntary Agency Award representation, one employee -

which was our shop steward rep -

plus representatives of the Health and Community Services Union and the Ms Jones who was at that time employed by the Health and Community Services Union -

if I could just pause there to say, Mr Deputy President, we operate under the name of Health and Community Services Union, HACSU, although we are registered as the HSUA. So just in case there is any confusion on that point:

Ms Jenny Jones who was at that time employed by the Health and Community Services Union were able. The skills analysis - - -

DEPUTY PRESIDENT ROBINSON: How was that understanding reached?

MS HARVEY: Well, the documents I am not allowed to show you, Mr Deputy President - - -

DEPUTY PRESIDENT ROBINSON: Well, if you are going to come to it, fair enough.

MS HARVEY: It is contained in the minutes of the State Negotiating Committee.

DEPUTY PRESIDENT ROBINSON: Right.

MS HARVEY: Yes:

The skills analysis commenced in April 1993 and completed in late August 1993 with the assistance of Mr Gates.

Over the page if we go to the issue of methodology and as it says at the top of the page:

Methodology was agreed in the early stages of this project as agreed by the industrial negotiating parties.

Now, obviously what was communicated to the consultant was that, and this is reflected in her report, is that the Metal Industry relativities were the appropriate relativities for the purpose of this exercise, and I will come to this further in terms of this introductory document.

So, in terms of 2.2 stage one, familiarisation with a range of disability services respondent to the WAVA, visits were made to a range of services through April and May 1993 which included speaking with many employees about their work, viewing work in progress, spending time with clients and speaking with employers about current issues within their services. And then there is a list of services that were actually visited.

Stage 2 - collection of information using group process. Three one-day workshops were held in Launceston to add anything they believed was overlooked and make any changes they believed necessary.

Now, if I can just make a comment on DACUM. DACUM is actually a process used by TAFE to develop curriculum and so what is done is it is a process used to identify skills, to put them into bundles and to hence use that as the basis for writing curriculum, so, it is a fairly, it is a well-established and well-respected procedure in this type of activity.

Then stage 3 dealt with the validation process, and I will not go through all of that but at the bottom, the last paragraph of the validation process, and I quote:

A questionnaire was developed, which is at appendix B, and circulated to a range of employees for their validation of the information gathered by questionnaire and interview.

So, as you can see this validation exercise was designed to ensure that we got accurate results using both the employee and their supervisor to validate. So, you know, for example, to avoid the circumstance where an employee would over-inflate their own skills.

DEPUTY PRESIDENT ROBINSON: Who took the responsibility for the completion of the skills analysis? Was it jointly signed or what?

MS HARVEY: In what sense, Mr Deputy President?

DEPUTY PRESIDENT ROBINSON: Well, there was a skills analysis carried out and you told me earlier that a number of people were involved, or two people were involved directly in the hands on work and then

presumably a report on the result was submitted to the State Negotiating Committee who considered it.

MS HARVEY: Yes, this is the final report.

DEPUTY PRESIDENT ROBINSON: Right, but the preparation of the recommendations, was that under the joint authority of the two participants?

MS HARVEY: Yes, it was, Mr Deputy President.

DEPUTY PRESIDENT ROBINSON: Well, was it Ms Jones whole report assisted by Mr Gates?

MS HARVEY: A combination of processes. It was reported by, it was assisted by Mr Gates.

DEPUTY PRESIDENT ROBINSON: Yes.

MS HARVEY: And so obviously some issues perhaps were headed off because of that process that there was, she was assisted by someone from the TCCI. However, secondly, there was a reporting back process to the State Negotiating Committee so that Ms Jones met at regular stages through that process with the State Negotiating Committee provided, indeed she provided an interim report which both, which the SNC commented on and discussed with her before a final report was reached.

DEPUTY PRESIDENT ROBINSON: And with Mr Gates?

MS HARVEY: Mr Gates was present at those meetings as well.

DEPUTY PRESIDENT ROBINSON: Right.

MS HARVEY: However, I will, I do wish to emphasise that this is a report of the principal consultant and she was the one that held the responsibility because she was the one who signed the contract, not Mr Gates, and when we went beyond her being an employee of my organisation to being an employee or on a contract, if you like, from TADS, the employer association, there, if we thought to clarify the role of the two consultants because there had been a level of confusion about what the role in particular that Mr Gates undertook was, whether they were in fact negotiating on behalf of or whether they were in fact just assisting, and there was some confusion about that that the SNC had to resolve. And that was resolved prior to the final report being released.

DEPUTY PRESIDENT ROBINSON: Satisfactorily resolved?

MS HARVEY: Yes, it was resolved by agreement about the respective roles.

DEPUTY PRESIDENT ROBINSON: Yes.

MS HARVEY: And that is reflected in this report that Ms Jones was the principal consultant and that she was only being assisted by the TCCI employee.

DEPUTY PRESIDENT ROBINSON: Right. Well, do we now have a situation where there was a skills analysis in some documentation which was officially accepted or what was the status of the final outcome?

MS HARVEY: The final report was provided to the parties, now obviously to the SNC.

DEPUTY PRESIDENT ROBINSON: Right.

MS HARVEY: And it is a final report in terms of all those processes and steps that were agreed and done jointly at the end of the day came up with this document, right.

DEPUTY PRESIDENT ROBINSON: Right.

MS HARVEY: However, at the end of the day the only status that this document has is that, because it is not, it was not an agreed report if you like in the sense that both, either the employer or the union said, "Yes, this we agree to." In fact, both sides I believe would have some difficulty with the actual report and neither application today seeks to embrace it, that is before the commission seek to embrace it in its entirety. But, however, I do wish to come to this issue on the usefulness and the relevance of this document in due time, but before I do that I think it is important that we understand the background of it, because I think it is clear that both organisations in the applications that are before you have drawn upon this in terms of formulating their applications.

DEPUTY PRESIDENT ROBINSON: You do not think the whole exercise was a waste of time then if it was not finally accepted by anybody in totality or rejected?

MS HARVEY: No, I do not, because the reasons - the reasons that, indeed, that it was not accepted in totality do not go to the issue of - I think they explained when I started talking about the application in my section on section 4 about the application I said it became very clear to us, once we received this report, that there were two things that were a problem, if you like, from my organisation's point of view. One was the complexity

of it, that it would be very, very difficult to use in the field. The second was the danger that without having great clarity about how an award would apply, a funding body would fund to the lowest common denominator and then leave a gap, if you like, for the services.

So, indeed, what the HSUA did in our application was build upon the work that was done on a skills analysis, in effect, to broad band, because what Ms Jones, according to her brief, was set out classifications next to metal industry relativities and, in effect, what we did was broad band and use the skill at the highest level. So, where we broad banded, for example, level 2, which is 82 per cent - sorry, is 82 and 87.4, those being two levels within metals, we broad banded those two together and use the skill level at the higher level to write the application and hence its relevance.

So, I do not believe the exercise was a waste of time. What it did, very importantly and something that desperately was needed, was to go out and work with people in the industry, their supervisors services and find out what was actually happening out there in terms of skills, because we had an award that really was not adequate to that job, and try to group those appropriate in some hierarchy of skill that was consistent with the wage fixing principles. So it was a very useful exercise and, indeed, I believe this document will have an ongoing use because, as I indicated earlier, the - an industry working group has been established under the industry training board to look at entry level training in this industry and we would anticipate that we would be able to build upon the worker that has been done in this skills analysis to assist in that process of curriculum development.

DEPUTY PRESIDENT ROBINSON: Yes. Thank you. The normal sitting hours of the commission are that we break off at this hour until quarter past 2, unless there are exceptional circumstances.

MS HARVEY: No, that is fine.

DEPUTY PRESIDENT ROBINSON: We will adjourn till quarter past 2.

LUNCHEON ADJOURNMENT

MS HARVEY: Yes, Mr Deputy President, I had been addressing you in the topic of the skills analysis prior to the luncheon adjournment. I was on page 4 in tab 1 of HSUA 5.2.

DEPUTY PRESIDENT ROBINSON: Yes.

MS HARVEY: Now, in terms of the questions that you were asking me, perhaps if I just go through this whole introductory section of the skills analysis - - -

DEPUTY PRESIDENT ROBINSON: Yes.

MS HARVEY: - - - and come back and deal with them because some of them will be dealt with by way of Ms Jones introduction.

DEPUTY PRESIDENT ROBINSON: Good.

MS HARVEY: So, in terms of - at the bottom of page 4, writing an award classification description and skill levels, Ms Jones made it very clear that she is using the metal industry award as a basis and you will recall that the required outcome of the research was a classification structure using the benchmarks and levels as agreed by the industrial negotiating parties. So, if I can then take you over the page, to page 5.

DEPUTY PRESIDENT ROBINSON: Yes. The bottom of page 4 is a fairly critical sort of reference, is it not, as to - will you be spelling out a bit more detail about the - - -

MS HARVEY: How each level is set out?

DEPUTY PRESIDENT ROBINSON: Yes, and how it relates to the equivalence in the metal industry award?

MS HARVEY: Yes, I will come back to do that. I will make a note of your question there, but I think it will be clearer if I can just go through the background information. Summary of - I will just make a note. Okay. Summary of observation and comments, the recommended classification descriptions are contained in appendix to the report. The following comments also provide important information which support the recommendations and I think this section is fairly important in terms of the limitation on the process and Ms Jones, in that first paragraph, in 3.1, identifies three limitations and that was in terms of the actual research phase, that was incomplete classification sampling, small sample numbers in some classifications and non-inclusion of low and middle levels of management.

Now, in terms of dealing with those comments in paragraph (a) and (b), in terms of in paragraph (a), incomplete classification sampling, Ms Jones recommends that there were some particular classifications we should have a look at and in particular that was the domestic aid, laundry hand and general hand and cook broad banded at level 5 and I think - well, I know

what Ms Jones was saying is that we needed to see whether such positions
- I mean, she says that in her final sentence:

Should the industry still utilise such positions the SNC would need to carefully assess the classification descriptions to ensure that they are adequate.

Now, in relation to paragraph (b) which deals with the small sample numbers in some classifications, Ms Jones concludes in her second paragraph there:

Having stated these reservations it did not present an insurmountable barrier. This is, in large, part because there is considerable range of application of the classification structure across the organisations in the industry. Consequently, a job which may be classified in one organisation at one level may be classified at a different level by another organisation. The research was able to survey a wide range of employees from a range of organisations covering a wide range of levels.

So I think that that is an important point in terms of indicating the need for this exercise to put in a new structure because, as I said before, it really is so out of date, the award, that people have just tried the best they could. (c) deals with the non-inclusion of low and middle levels of management, inverted commas, and all the way through this report Ms Jones puts inverted commas obviously to highlight her concern that what is called management may not in fact be management, it is just a term that is used in the industry colloquially.

During the research it became apparent that there are people employed in organisations who are named management rather than award employees by the organisations. In the case of supported accommodation services this may have occurred because the current classification structure peaks at level 5. Consequently, the research did not include people employed in accommodation support services who are currently in current positions above level 5 although there are clearly a range of people using higher level skills.

In the case of the independent living training services there was evidence of people at level 8 having "extra" management duties attached to their position for which they received above award payments. It is reasonable to assume that this has occurred because there were no levels above level 8 within the award. During the research it was necessary to attempt to separate the "management duties" from functional programmer level 1. So just in relation to that point, level 5 currently in the award is that 100 per

cent trade level and so that is what Ms Jones is referring to when she talks about level 5.

But, clearly, she is identifying there is a problem with the current award structure in that it does not go high enough and it does not identify the skills and that the research that she did was restricted to the type of titles that were used currently in the award and so she is clearly indicating that that is the limitation of the research to that extent and this is picked up in her recommendation. So if I can just take you over the page, at the bottom of page 7 where Ms Jones deals with promotion criteria, and you will recall from the employers application this is one of the issues of difference between us, and in the research that she did, in the recommendations in the report it says:

Promotional Criteria: Level 1 to level 2, promotional criteria are detailed within the description for level 1.

Which is also the case in the HSUAs application because it is identical to the recommendation that Ms Jones made in terms of level 1:

Level 2 upwards: since the distinctive differences between the levels are and utilisation of skills.

And then she goes on to talk about the need for future work which I have already indicated to the commission that Mr Brown will be addressing the issue about competency standards and the need to development curriculum and training. So I think that is an important point that that is the way that it was recommended that the model be applied. Now, if I can go to the next page, page 8, in terms of recognition of formal qualifications relevant to the industry. In the second paragraph there Ms Jones states:

Persons not holding formal qualifications but who utilise the skills and knowledge to this to be developed.

So again this is this point that I have already raised about the need to look at equivalency and skill. Other relevant qualifications, it says:

In addition to the trade qualifications employees may also hold other relevant to level 5 and above.

If I can go now to 3.9, award levels above level 8 and this is a fairly important point in terms of this whole - the two applications before you, Mr Deputy President, because one of the significant differences is the intention in the HSUAs application to go above the current 115 per cent. It says:

There are several indicators that levels above level 8 should be considered than level 8 are required.

DEPUTY PRESIDENT ROBINSON: And the assumption is that they are using those skills - - -

MS HARVEY: That is correct.

DEPUTY PRESIDENT ROBINSON: - - - and required to use them.

MS HARVEY: They are utilising those skills, yes.

DEPUTY PRESIDENT ROBINSON: And they are required skills?

MS HARVEY: I know the question that you are putting to me. I think I have already answered it before talking about the difference between acquired and required and the compromise in the middle being utilise. I think the appropriate test should be whether they are required to utilise - whether they are utilising those skills and, clearly, Ms Jones is indicating that they are. Because of your particular interest in the medication issue, if I could just take you to page 10, 3.13, medication:

In order to meet legal requirements the recommended classification injecting of insulin.

Certainly not a practice that we would encourage and I think that this process of the structural efficiency exercise will assist in removing that practice from the industry because as we get clearer standards and we get clearer training and clearer competencies, then it is going to be easier to identify what an employee should be doing and should not be doing.

DEPUTY PRESIDENT ROBINSON: Is it possible that some clients might be able to self-inject with things like insulin?

MS HARVEY: Yes, it is very likely that that could happen. I think all that Ms Jones is indicating here is that because she was looking at the skills that were currently being used that there are people using that skill. Now, whether they are appropriately qualified to do that is a separate issue and what she is saying is she has excluded that even though they are using it because they should not be doing it.

DEPUTY PRESIDENT ROBINSON: I see.

MS HARVEY: Translation to new award over the page, on page 11:

To date employees have been translated from old classifications to the broadbanded levels based on a direct transfer assessments be conducted, based on up-to-date position descriptions, to ensure employees are classified appropriately.

Now, the page of the report actually deals with these recommendations and I intend to take you through them, Mr Deputy President, to indicate the usefulness of this report because, certainly, my organisation will be adopting at least, in most instances, the recommendations themselves but, in some instances, the spirit of it modified accordingly. So the recommendations are on page 12. So:

5.2 That the recommended classification descriptions be adopted, taking into account point 5.2.

Which was the issue about some classifications such as cook and domestic aid. Certainly, as I indicated to you before the adjournment, we are looking to do that in a modified form and when I come to the comparison between the HSUAs application and the skills analysis, that will become clearer about the way that we have done that:

5.2 That the State Negotiating Committee identify any employees -

We have certainly done that and kept that in mind in our application, so she has listed those employees that need to be identified - laundry hands, general hands and domestic aids - and ensure the classification levels adequate for these positions if they exist. Now, our response to that in terms of this application is that the level 2 specifically caters for these people and the advice from the employers is that, yes, there are some classifications there doing that sort of work, and certainly our own investigations indicate that that is the case as well:

5.3 That the State Negotiating Committee progress action towards development of competency standards for each level of this award.

Funding has already been set aside by the Industry Training Advisory Board Industry Working Group for disability services, which is chaired by an employer representative from this industry is looking at, as I indicated before, entry level training and, in addition, which will involve setting some interim competency standards for the lower levels of the award. But there is also this big project happening - national project in South Australia dealing with competency standards which Mr Brown will address and, certainly, my organisation is involved in that; so we certainly take that recommendation on board:

5.4 That the State Negotiating Committee develop a process for assessment whereby an employee may be deemed to hold the skills and knowledge of a relevant Trade. This may be through TAFE Recognition of Prior Learning Arrangements.

Again, this is a recommendation that my organisation supports and that our ongoing involvement in the training reform are genuinely seeking to implement:

5.5 That the State Negotiating Committee develop an appropriate translation process. This may require the re-assessing of each employee's position against the new classification descriptions.

We will be putting a submission to you, Mr Deputy President, when we get to this section to do precisely that. WE are not proposing a directly translation by classification. We are, indeed, proposing that the employer assess employees against their existing position description to see how fit with new standards. So that an assessment would be made of each individual about where they should translate to rather than a holus-bolus
- - -

DEPUTY PRESIDENT ROBINSON: In other words, would that be a comparison of an identification of the actual skills being currently exercised to see where they might fit into some other structure?

MS HARVEY: It would be what we propose - and I will present you a written exhibit in relation to this - is that that employer identify the task and the skills and the qualifications that an employee has and then looks at those against the classification structure that is finally determined and translates on the basis of that.

DEPUTY PRESIDENT ROBINSON: Right. Would such an exercise for somebody who was, say, currently classified as - and without looking at the award and, say - a laundry hand. After that exercise was carried out how would the result compare with other classification - the same classification in other awards of, say, laundry hand?

MS HARVEY: Right. You are getting a bit ahead of me because that is precisely the matter I am going to address you on once I have finished this, because I have prepared as part of this exhibit a comparison with other awards; in particular, the Metal Industry Award, and I have also looked to comparative awards.

DEPUTY PRESIDENT ROBINSON: All right.

MS HARVEY: So I hope to demonstrate to you that the HSUAs application is indeed conservative in terms of the estimation of appropriate relativities.

DEPUTY PRESIDENT ROBINSON: Right, thank you.

MS HARVEY: Just in relation to that point in 5.5, I think it is worth saying as well that I think that this is the difference in a structural efficiency principle approach to a work value approach, because a work value approach would seek to move a whole classification from A to B, whereas we are not seeking to do that at all; we are seeking to set a proper structure and then allow the individuals to be moved over.

DEPUTY PRESIDENT ROBINSON: Yes, but I am sure there would be people who would be interested in the completion of this exercise, whenever it is, to see how it might affect them.

MS HARVEY: Certainly, and that has certainly been our experience in the public sector, and you will recall this is the process used in T2399, and it is a difficult process. But we have used it successfully in Medical Diagnostic Services Award, in Nursing Homes Award, in the Private Hospitals Award in certain areas where basically that is what the employer has done, and I will presenting a full exhibit about it, but there are ways that we can minimise the workload and the stress, if you like, of how that is dealt with.

In bigger organisations it may be appropriate to have a consultative committee to do that, but many organisations have only got, you know, a small number of employees and it would be a fairly useless exercise, I would suggest, to put up - to set up a consultative committee just to do that for, you know, a dozen employees.

DEPUTY PRESIDENT ROBINSON: Yes. I suppose I am rather selfishly looking ahead that at whatever sort of problems might confront myself and other members of the commission where flow-on is sought on some sort of simple logic of, there was I first working as a laundry hand at such and such a location, now they have been re-assessed and as a result of that exercise, that laundry hand is doing far better than this laundry hand and the old comparative wage justice argument is that therefore there should be a direct flow. But that is not the exercise you are present, you are saying that forget what their classification was before, let us look at the whole thing afresh on a different basis.

MS HARVEY: That is exactly right. And let me assure you it is one hell of - one of the things as a union official I do not enjoy doing, is standing up in front of a group of employees and saying you are all going to get a

different wage increase. It is not something that, if that is going to be the case in an award, and it is not - - -

DEPUTY PRESIDENT ROBINSON: And some of you are going to be re-assessed downwards and you will be saved only by a - - -

MS HARVEY: That is possible.

DEPUTY PRESIDENT ROBINSON: - - - perhaps a savings clause.

MS HARVEY: A savings provision. That is correct. It is not an easy thing to have to do.

DEPUTY PRESIDENT ROBINSON: You have been over classified.

MS HARVEY: That is what the principles require us to do and that is what we do. And I can give you a very clear example of at Calvary Hospital standing up and trying to explain to the operational stream employees that they were getting this much and the admin and clerical employees were getting this much. But that is the system we are in.

DEPUTY PRESIDENT ROBINSON: I have, over the years, said to union officials who have presented any sort of case wherein they say that this exercise is - has got its own peculiarities, it ought not be borrowed and simple flow on occur on the basis that they have got it, we want it. And the question I have repeatedly posed to such union officials: If they have a dispute with their members and it comes to this commission will they oppose what is being sought to be consistent, if they said it is different and there should be no flow on the basis of simple comparison, will they actually oppose their own members in the dispute and say: well, no I could not have a bar of that because of what I said in the commission earlier. That is another hard one for you.

MS HARVEY: It is another hard one.

DEPUTY PRESIDENT ROBINSON: But it - - -

MS HARVEY: Well, it touches on the philosophical issues of leadership here, I think, of what you have to do as a union official.

DEPUTY PRESIDENT ROBINSON: Well, that is right, you have to look ahead. And you have to earn - not being personal - but you have - everybody has to earn credibility by being consistent.

MS HARVEY: That is correct. I am quite confident that our organisation would meet that test, because we have done through a number of awards and it has not been easy.

DEPUTY PRESIDENT ROBINSON: Yes. Well, I had not doubted that you would be anything but consistent.

MS HARVEY: 5.6 deals with the - it says:

That the State Negotiating Committee initiate a review of current developmental disability training in Tasmania to In particular provision of training for Level 1 entrants is required. This step may be linked to Recommendation 5.3.

Again my organisation accepts and supports that recommendation, and we have put the necessary steps in place to work towards that goal and Mr Brown will be providing more information to you, Mr Deputy President, on this matter.

In terms of 5.7:

The State Negotiating Committee considered the addition of further award levels above Level 8 this step might effectively be included in development of competency standards for all levels.

And in relation to this, Mr Deputy President, we have taken this recommendation very much on board, and in our application we have included levels that go higher and up to that level 7 in our application.

And further - and additionally we are taking on board the requirements to develop competency standards above and that has been done by the South Australian National Project, and that is why we foreshadowed to you when I first started these - my submissions, that once that project is finalised we may well need to review what we have got in the award. And I notice that in the employers application they include a similar proviso. So it is just one of these things of the ongoing processes that we need to be aware of.

Now, the question you were asking me before dealt with the standards and how they were linked to Metals; is that correct? As I have already said, Ms Jones was required to - in this contract which she fulfilled for the State Negotiating Committee through TEATS was required to develop a classification structure according to the benchmarks established by the parties. Now, those benchmarks were the metal industry relativities. So, therefore in her whole document there is - the levels that she has are the

same levels as the metal industry, so you have got 78, 82, 87.4, 92, 100, etcetera. So, if I could take you to the final two pages in tab 1.

DEPUTY PRESIDENT ROBINSON: I suggest the percentages were not the difficult thing to do, but it is the alignment of skill levels which was the difficult part.

MS HARVEY: Yes, I shall come to this very point. Now, the last four pages in tab one deal with a subsequent correspondence; Ms Jones identified that she had made a bit of an error in her final report so that the fourth last page is her correspondence to myself in - - -

DEPUTY PRESIDENT ROBINSON: Dated 1 December 93?

MS HARVEY: That is correct. This correspondence was also, identical correspondence was sent to the employers as well, and it deals with the problem that there was a problem in the final report with the way that the linkages were made to qualification so this is a re-write of level 8 and a clarification. Now, at the - and it just says, and I quote:

It has come to my attention that the linking of qualifications, advanced certificate and associate diploma and a comparison with the WAVA levels for your ease of reference.

End of quote. So, on the very last page is in fact that final thing that Ms Jones is referring to. And as you can see here - - -

DEPUTY PRESIDENT ROBINSON: Under that tab?

MS HARVEY: Yes, under that tab. As you can see here we have got the advanced certificate, the years of experience, 0, 1, 2, 3, then the column that deals with the percentage relevant rate as per metals, then the relationship to trade and then the 100 per cent rate and then the WAVA equivalent level. Now, for the purpose of this exercise if you disregard the WAVA level, because we have slightly changed it, but as you can see it sets out there the way that metals deals with qualifications. So, if you have got an advanced certificate and no experience you add 100 per cent, 110 for one year experience, 125 for two years experience and 130 for three years experience.

Then an associate diploma has a similar lead-in period, if you like, in terms of experience; no experience is 105, one year is 115, two years is 130, three years experience 135 and four years experience 145 per cent. So, that is the straight metals model in terms of dealing with qualifications and years of experience, those two factors that need to be taken into account in

our classification structure. And in the HSUAs application we have picked this up in its entirety, identically, to ensure this consistency.

Now, before I go to the vital question you are asking, keep bringing me back to about the lining up of the levels and the relativities in terms of the definitions, I thought it would be useful to take you to one of Ms Jones classification levels to explain the point that I was trying to make about the complexity of it. So, if I could take you to page 18. The way these classification standards were set out, first of all there was a general description, then a key characteristic, then indicative tasks that were broken down and then skills knowledge which were broken down again into categories: general skills, personal care skills, production skills, and it was sort of an accumulative thing.

Now, when we were trying to use these in some sort of an exercise as seeing how they would use in the field, just a dry run if you like with our stewards, it did cause people a lot of confusion trying to work out the difference between the general description and then the skills and knowledge definitions and then the indicative tasks trying to blend that all together, and that was a cause of some concern. So, and also because there were so many separate levels that were trying to make distinctions at fairly marginal areas that it was also fairly difficult to deal with.

So, that is why the HSUAs application shares a characteristic in common with the employer's application, that we have in effect sort of reduced the number of levels and broad-banded and introduced increment points to try and get around that problem of complexity and, secondly, the problem that I indicated before that we were concerned that it needs to be very clear for the purposes of funding of what the levels expected to be are.

So, as I said to you before, fundamentally what my organisation has done in preparing this application has taken the skills analysis done by Ms Jones with all her comments, has grouped together for example level 2 and 3 and taken the skill level of the highest one of those, so in effect people start lower than Ms Jones is recommending and put that together into a package. So, if I could go to tab 2 when all shall be revealed, I hope.

DEPUTY PRESIDENT ROBINSON: We shall see.

MS HARVEY: Now, my previous comments, of course obviously in doing that there is some, because we have also reduced the complexity and tried to deal with that sort of exercise, obviously there is some movement in that, I am talking about in principle how it was approached. So, in tab 2 we have, I have prepared a comparison of the skill levels between the HSUAs application, the State Negotiating Committee skills analysis and the Metal Industry Award.

Now, the way I have tried to do that is to look at the, to compare key factors; supervision, tasks, other employees and qualifications, where relevant, so, they are the factors that we are comparing across. So, if you take the first level, 78 per cent, which is RDSW1, that is a trainee level. Now, DSW1 in the SNC skills analysis, Ms Jones DSW1, those two definitions are indeed identical so there is no difference. Now, if you go to the Metal Industry Award, C14, again it is a trainee position in the same sort of way of induction so we have complete consistency at that level.

Now, if I can take you to level 2, it is the 82 per cent relativity and the 87.4 per cent relativity and considering supervision, in the HSUAs application there is direct supervision but some discretion. Now, Ms Jones definition was routine with limited discretion. Now, I would argue that they are essentially the same things, the only difference is that we have used the definition of direct supervision from T2399 but it is fundamentally the same thing. And the metal industry, again you are looking at routine and some discretion. So, we have got the same level of supervision.

Tasks in the HSUA application, routine, limited client interaction. In the SNC skills analysis routine, responsible for clients from time to time and then in the Metal Industry Award, basic production tasks and then there is no other responsibilities in relation to clients. So, therefore, what we are proposing in our application is in fact a higher level of skill than what is in metals because they have got these additional client responsibilities as well as production responsibilities and that goes to the point that the witness was making earlier today about the additional skills required to work in this industry.

DEPUTY PRESIDENT ROBINSON: Does it highlight the difficulty of trying to compare apples and oranges in comparing metal industry type skills with the sorts of skills which are required to be utilised under the WAVA Award?

MS HARVEY: Yes and no, because, no, there is production in this industry.

DEPUTY PRESIDENT ROBINSON: Right. Yes.

MS HARVEY: So therefore there are production skills. The point I am trying to make, these are skills over and above that and I take your point, it is difficult, but the wage fixing principles require us to do it.

DEPUTY PRESIDENT ROBINSON: They do.

MS HARVEY: So, hopefully that problem will be overcome a little bit when I come to the next tab because then I have tried to pool wage

relativities from the same industry that could then support our application. The other thing I would just say in relation to that comment is that the qualifications issues is very much - runs through the Metal Industry Award in terms of, you know, the training requirements. Now, that does provide us a benchmark that we can compare across industries, particularly given the training infrastructure which does have standardised processes for accreditation and processes for lining up equivalent qualifications by experts in their fields which go far and beyond the expertise I could lend to that exercise and Mr Brown will be addressing that issue about the whole training infrastructure and how qualifications, that it is assured that there is some consistency in their level.

Okay. So, tasks, I have covered the tasks. The other is other employees. The relationship with other employees is non-supervisory, that they can work with but they do not have a supervisory role, that is the same in the SNC skills analysis and the same in the Metal Industry Award. Now, if we could turn to level 3, DS3, DSW3. The level of supervision is direct. In Ms Jones DSW4 and DSW5 there is intermittent checking for non-routine tasks. So, really what we are saying is that there is, again, you are looking at a fairly direct level of supervision because you are checking intermittently anything that is non-routine.

And, finally, in the Metal Industry Award you are looking at general supervision when working individually. Now, this comes to the point that I have already made some initial comments on is that we need to look at those three factors, the environment, the skills, and the level of responsibility. Now, in the metal industry what you are looking at is production tasks without all those extra responsibilities of duty of care, that have already been described by the two previous witnesses, for clients, plus you have not got the same stressful work environment that people in this industry are required to operate in. So, therefore - - -

DEPUTY PRESIDENT ROBINSON: It might be a question of who you talk to.

MS HARVEY: Well, we can only rely on the evidence before the commission and to date that is the evidence that is before you, Mr Deputy President, and no doubt Mr FitzGerald will try to - may try to demonstrate something else.

DEPUTY PRESIDENT ROBINSON: I just envisage some trades person dropping in here and describing to us all their difficulties and problems on the job. However, I deviate, sorry.

MS HARVEY: You do. So, the point that I am trying to make is that there are those three levels of - three levels of interaction, those three

factors that we need to take into account and whilst there is general supervision when working individually in the metal industry at C11 and 10, the point that I am making is that the other things - the other factors, in terms of the general environment and the level of responsibility, is a lot higher in this industry for - that justifies the need for direct supervision and, in particular, the witness yesterday, Ms Knowles-Locke made it quite clear that people with limited expertise really do require direct supervision in the same way that I made that distinction between doctors and nurses.

So, if we look at the tasks, this point may become more clear, undertake simply training assignments of clients. Well, that is the same between Ms Jones report and our application and that is not required in the metal industry at all. That skill is not required at all. It does not exist. Wide range of production tasks, well, that is the same across all three. If I can take you over the page, supervisors up to 9 clients, the SNC skills analysis talks about general only and not close supervision. Now, in the SNC skills analysis report a distinction is made between general and close supervision, the assumption being that to closely supervise someone requires more skill than to generally supervise it.

We have removed that distinction so, in a way, you could say that we are expecting a higher level of skill than was anticipated in the SNC skills analysis because we are saying they can just generally supervise up to 9 clients both close and general supervision and we did that because it became very messy trying to do it any other way. We considered that to be one of the problems with the report about how do you make that distinction. Again, that requirement is that there is no requirement for this sort of skill in the - this equivalent level in the metal industry. Undertakes training and assessment of clients in vocational skills, the SNC skills analysis training only, no assessment is done. Narrow range of training techniques only and in the metal industry, obviously, that is not required.

We have not got an equivalent level of skill. Assist and support clients in household routines and tasks. That is the same with the SNC skills analysis obviously again it is not relevant in the Metal Industry Award. Assist in the development and implementation of training programs within a team environment. Assist in development only in the SNC level report and you have in a - again, it is not required in the metal industry. Other employees assist lower level employees, and in the HSUAs application in the SNC skills analysis, assist in training of lower level staff by demonstration and modelling. Well, I think they are really pretty equivalent. It is just a wording difference.

And the metal industry, in relation to training for other employees, in that award it says:

Assist in the provision of on-the-job training in conjunction with tradespersons and supervisor trainers.

So, it is roughly equivalent in that it assists but it makes it very clear that it is in conjunction with a tradesperson or a supervisor trainee. So, we would submit to you, Mr Deputy President, that that shows quite clearly that the relativities that we are seeking to establish for this level is certainly conservative in terms of the equivalent of the metal industry, and that there is consistency with the approach taken in the SNC skills analysis.

I may just say in relation to this point that the employer's application, as I understand it, and I will be preparing this proper document on it, does allow a relativity of 98 per cent at that top or level, so really the difference is 2 per cent in terms of the different skill levels. Although the employer's application starts at a lower level, okay? So, their, as I understand it, their application would actually commence at a relativity of 87.4 per cent, which is the top of what we have got in level 2, and given that the level 3 does involve all these training skills, we would - and responsibility for clients, we would see that as more appropriately starting at 92.4 per cent in relation to the Metal Industry Award.

If I could take you to page 3. Page 3 deals with DSW level 4, which is a relativity of 100, 105, 110. This is the broadbanding of DSW5, 6 and 7 and the equivalent of C10, 9 and 8 in the Metal Industry Award. Supervision, and remembering that I am comparing here the top level of these classifications in this particular one. I will say that in level 2 I was not comparing the top level. I was comparing the first level, the reason being that when we broadbanded that level, we have introduced an overlap at the 100 per mark and so therefore it is inappropriate to compare against that next higher level of skill. But as I say, the difference between us, our two organisations in that respect is very minimal in the sense that there is only a 2 per cent difference in relativity assessment.

So, if I - just going through this point in level 3:

The supervision, general supervision and uses discretion, receives little guidance.

Well, we would argue that that is a similar level of supervision, and the Metal Industry Award said limited supervision. Now, in relation to this issue of limited supervision, I reiterate what I said in relation to DSW3, that we have to take into account the three factors, and therefore we would contend that it is appropriate to have general rather than limited within the HSUAs application for this industry, because the tasks and the work environment is more complex, and we have to look at those three factors:

Task: Work of non-routine nature and subject to pre-set objectives.

That is the same in the HSUAs application and the SNC skills analysis. The equivalent is high precision trade skills in the Metal Industry Award.

Complex production trade tasks: that is the same across all three of the structures we are comparing. Uses initiative, discretion and judgment in planning and organising work and techniques for own work and those supervised.

That is equivalent for the SNC skills analysis and it is not included in the Metal Industry Award. The Metal Industry Award has a different model for supervision which relates to the highest level of person that you supervise. In having considered that, we thought it a fairly complex way of dealing with this issue and we tried to make - build it into the actual tasks:

Supervises 10 or more clients.

That is the same between HSUAs application and the SNC skills analysis. Again, it is not included in the Metal Industry Award because it is not required:

Develops and implements training programs.

That is the same with the SNC skills analysis. Again, not included in the Metal Industry Award:

Participates in networks.

The SNCs skills analysis says, promote and develop networks. And the Metal Industry Award, it is not included. Certainly the distinction between participating in networks and promoting and develop networks is, I think, fairly marginal, because you do that by participating in them. But perhaps it indicates a slightly lower level of skill than being solely responsible for developing it.

In page 4:

Assist and support clients in attending to their care.

That is - I will until you catch up:

Assist and support clients in attending to their care.

That is the same in the SNC skills analysis. Again, it is not included in the Metal Industry Award:

Lower level staff may be required to supervise.

That is the same, that is not included in the SNC skills analysis, not included in the Metal Industry Award:

Assist with the training of DSW employees at lower levels.

Again, that is the same in the SNC, and it is the same in the Metal Industry Award as well, that you are required to assist in the training of employees at lower levels:

Qualifications, trade or equivalent.

Trade or equivalent in the SNC skills analysis and the Metal Industry Award because we are comparing that top level, it is actually special class. So, what certainly we would say there is no, as I am aware, a qualification called special class, the 110 per cent. 105 per cent is, it just says just operating at a higher level, and 110 talks about again this thing of operating at a higher level.

We would say to you, Mr Deputy President, because of the additional skills and tasks required over and above a simple straight tradesperson that we are expecting in this level that that justifies the higher relativeness. If there was an equivalent special class we would certainly happy to put it in there but it does not exist in terms of a qualification in this industry.

DEPUTY PRESIDENT ROBINSON: The range is from 100 - we are still dealing with that range from 100 to 110, are we not?

MS HARVEY: That is correct.

DEPUTY PRESIDENT ROBINSON: And you are making comparisons with the Metal Industry Award; tell me, is the special class tradesman in the Metal Industry Award 110 per cent of a tradesman? I suppose it is?

MS HARVEY: That is my understanding.

DEPUTY PRESIDENT ROBINSON: Yes. I am going to need to have an up-to-date Metal Industry Award. Oh, later will do, later. Well, just take it on notice.

MS HARVEY: I will take it on notice. I would say that I am 95 per cent sure it is because that is why I have included it. But it is something that I had better check since you have raised it with me.

DEPUTY PRESIDENT ROBINSON: Yes.

MS HARVEY: Now, in relation to this, I mean, I re-emphasise that just going down those tasks in the HSUA application makes it very clear that the tasks are very much over and above just the straight trade task which people working - certainly in working support employment are expected to have. In addition they are expected to have these other human services skills and we see that as justifying the higher relativities. In addition, as you can see, it is very similar to the SNC skills in our office that was done, so that we are consistent with that approach. And, finally, if we are committed to developing in the future competency standards and training, and if such an equivalent qualification existed we would be more than happy to put it in here. But the problem is that it does not at this point in time.

DEPUTY PRESIDENT ROBINSON: Would supervisors covered by this award be required to teach and supervise clients anywhere near the level of trade work going to the equivalent of tradesman special class?

MS HARVEY: The two answers - one that I will take on advisement and I will come back with a response to the direct question about whether they are expected to teach them the skills of a tradesperson at special class. But I am not sure that that - certainly the 110 per cent relativity in metals does not require someone to teach - does not require a tradesperson to teach someone the skills to that level. There is no such requirement at all.

DEPUTY PRESIDENT ROBINSON: What about if they have got apprentices?

MS HARVEY: It is in this industry these people have apprentices as well.

DEPUTY PRESIDENT ROBINSON: Yes, in the metal industry there would be apprentices, still we hope, and even in these difficult times.

MS HARVEY: There certainly are apprentices in this industry and that is witnessed by the fact that the employers application proposes that we put in an apprenticeship clause in the award.

DEPUTY PRESIDENT ROBINSON: Yes, but I am just taking up the statement that you say that special class tradesmen would not be required to teach and I followed that by asking well, what about apprentices under their supervision.

MS HARVEY: If they - - -

DEPUTY PRESIDENT ROBINSON: I accept that there would be formal technical training in addition to on the job training but - - -

MS HARVEY: I said would not be required - they may, or may not. There certainly are special class tradespersons in the metal industry who are not - who do not have, I would expect do not have, apprentices that they are responsible because, I mean, we have witnessed so much in the papers being stated by the TTCI and the TTLC jointly, that there is a falling off of apprentices in the industry generally and this is a problem one can only assume that the ratio of apprentices to tradespeople is lessening and it never was one to one.

DEPUTY PRESIDENT ROBINSON: I do not know, the percentage of the tradesmen might be lessening too, as to whether - with every other classification in these depressed times.

MS HARVEY: Good point. Good point.

DEPUTY PRESIDENT ROBINSON: Anyway, I am sure Mr FitzGerald will probably want to raise it anyway, so - - -

MS HARVEY: Oh, certainly, I will see if I can find more evidence for you on that point but, as I understand it just so I am clear in terms of what I am trying to find for you, the question is: does every special class tradesperson supervise an apprentice or somebody below them?

DEPUTY PRESIDENT ROBINSON: No. I did not say whether - does every special class tradesman require to supervise others. I understood you to have said in the comparisons that you make into special class tradesmen do not have to teach, and this is the element which you want to take up is peculiar to people under this award, and I would just say, well, is that really so?

MS HARVEY: I am not so sure I said that they were not required to teach? I certainly said they were not required to identify the things that are not included, for example, the supervising of clients, developing and implementing training programs. They certainly are not required to do that.

DEPUTY PRESIDENT ROBINSON: Oh, well, perhaps I misheard you?

MS HARVEY: I am just wondering whether I may have not made it clear, Mr Deputy President?

DEPUTY PRESIDENT ROBINSON: Well, I was just under the impression that you were saying that there is - there is not only this, as you have consistently been saying, there is not only this trade component but there are these other components and I took you to be saying that including the supervision or training of others, and that is where we started that conversation.

MS HARVEY: Right. Yes, we did indeed. If I could just take you to page 4 and reiterate what is in the exhibit where it says "lower level staff", it says that they may be required to supervise. Well, that is the same. It is not included in the Metal Industry Award because of the peculiarity with the way they deal with supervision. It is a percentage of the highest person you supervise. And then it says:

Assist with the training of GSW employees at lower levels.

That is the same in the skills analysis and it is also the same in the metal industry that they are required to assist with the training. Yes. But they are - if they have apprentices they are expected to do that, to assist with their training. I would not want to give the impression that they are not required to do that.

DEPUTY PRESIDENT ROBINSON: Fair enough.

MS HARVEY: Okay. DSW5, which is the 115, 125 and 130 per cent, now at this level the SNC skills analysis drops out because, as I said to you in the evidence that we presented with the skills analysis, it only went to level 8 which was the equivalent of 125 per cent - sorry, 115 per cent, I think.

MR FITZGERALD: Sorry, what page is this on?

MS HARVEY: Bear with me a minute, 110 per cent. I am on page 4, DSW5, which is 115 per cent, 125 per cent, 130 per cent and there is C7, C6 and C5 equivalent. Now, it says limited supervision. There is no actual statement in Metals about the level of supervision at this level:

Task: responsible and accountable for organisation and output of other DSWs.

Again, there is no real statement about this in Metals:

Advanced skills in managing time, setting priorities, planning and organising work:

That is not included in Metals. We go over the page:

May provide technical guidance, expertise and advice.

Well, that is the same in Metals and, I mean, what we are seeing, obviously, is a reflection of - the focus on Metals is sort of technical skill rather than their social operational skill but if you look at the level of technical skill, which is the thing that is focussed on, it is the same. So these things, I would argue, are additional requirements almost:

Co-ordinate and responsible for the equipment of maintenance and scheduling.

Equivalent, but the emphasis is on maintenance, etcetera, of technical equipment:

Scheduling and prioritising of orders.

That is not included in Metals but one would imagine that at that sort of level that would occur:

Provision of technical reports.

Again, that is the same:

Assess clients abilities and set long-term training goals.

That is not included. It is from Metals:

Train clients using a wide range of methods.

Again, this is additional to what is in Metals:

Develop and promote networks.

Again, additional:

Implement behaviour modification programs.

Again, additional:

Co-ordinate a single group home.

Now, that is making it very clear what the task is. Obviously, that is not relevant from the Metal Industry Award.

DEPUTY PRESIDENT ROBINSON: Is there a converse side of the picture where - I mean, obviously, there are the things that you have just

referred to which are not included in the Metal Industry Award - but would there be other things that are in the Metal Industry Award that are not in your application because of the differences of the industries?

MS HARVEY: This - - -

DEPUTY PRESIDENT ROBINSON: I mean, going again to skills and responsibility factors?

MS HARVEY: Yes. This is a summary document that I have prepared. I have tried to make it as accurate as possible to take the key things and compare it. I mean, obviously, it would be a fairly lengthy document if I wrote out the whole standards. The emphasis in Metals is it speaks about having completed certain modules of a training program and in a way, because all that work has been done which has not been done in this industry in terms of setting competency standards, that then becomes your proxy for skill levels in a way and certainly that is why we are committed to this ongoing process of trying to get competency standards established on a national level.

DEPUTY PRESIDENT ROBINSON: Yes.

MS HARVEY: So it will become a lot easier, this sort of comparison. But certainly we will be presenting information to you about the equivalence of the qualifications that exist in this field with the metal industry.

DEPUTY PRESIDENT ROBINSON: That is right, but it really goes right back to the fundamental and old question, I suppose, which is now being tacked as to whether or not you compare the value - monetary value of quite disparate classifications? You know, do you say that a plumber is performing duties and having responsibilities and training which is superior to someone who is a seaman on a ship? An entirely different environment, yes.

MS HARVEY: I suspect we will be able to assist you with that issue when we get to the section on the training reform agenda because that is precisely the underlying principle for the training reform agenda when it deals with the Australian standards framework, because what it seeks to do is try and identify levels, broad levels of - in a hierarchal order of skills across every industry and every occupation in Australia and so there is a huge infrastructure in which billions of dollars are being spent to answer this very thorny question.

DEPUTY PRESIDENT ROBINSON: Yes. And if we were off record I could make reference to other occupations, professions in the community,

as to whether or not they could be compared, one to the other, for the purpose of determining salary levels. Leave it now.

MS HARVEY: Are we talking about the type that give themselves 40 per cent?

DEPUTY PRESIDENT ROBINSON: It never occurred to me.

MS HARVEY: I sympathise with the problem and I suppose that is why this exercise has taken us four years of negotiation because we have been trying to deal with that precise issue, but it is one that we cannot avoid because of the wage fixing principles and so we have to make some attempt - and I would argue that what we have done has been on all the available signs available to us, the best possible way and justified and if we do not make that attempt then what we are in danger of doing is setting relativities that are totally inadequate and breaching our responsibility under the structural efficiency principle.

DEPUTY PRESIDENT ROBINSON: Quite so. I just wonder whether or not if those who are not represented here, e.g. a metal industry supervisor, was to come up with a list of factors going to the make up of his or her responsibilities, whether they would say: yes, but what if they do this and certain things are not applicable in my area which are carried out in classifications under the Welfare and Voluntary Agencies Award? On the other hand I have to do this and this and this and this which are not done by persons covered by the WAVA Award.

MS HARVEY: Well, perhaps the witness that we intend to call who is a tradesperson, who has worked outside of the disability industry - - -

DEPUTY PRESIDENT ROBINSON: Worked in both?

MS HARVEY: - - - and in this industry will be able to answer that question for you.

DEPUTY PRESIDENT ROBINSON: I look forward to asking that person some questions without being too hard on him or her.

MS HARVEY: Okay. I think I was, oh, yes, I was in level 5.

DEPUTY PRESIDENT ROBINSON: I think you were on page 5.

MS HARVEY: On page 5 dealing with DSW5, I think I had gone down to co-ordinate a single group home. If I can take you over the page:

Lower level staff, again train other DSWs and then assist with training in conjunction with supervisors and trainers.

In the metal industry, so, actually at this level in our proposal they would actually be responsible for training, whereas in the metal industry they are only required to assist with the training in conjunction with supervisors and trainers. Supervisor other DSWs, again the same comment, supervision not included; the qualifications is an advanced certificate and that is the same across both, advanced certificate or equivalent.

In the next level, DSW6, which is a relativity of 135 and 145 and again I just remind you, Mr Deputy President, I am comparing the top level so when I am comparing this I am comparing with C3 not C4. Metal supervision, minimal direction in accordance with work place guidelines and broad discretion, that is not applicable, not included in the metal industry. Advanced level technical and specialised skills which we require, again that is the same; contributes knowledge in establishing work procedures, there are elements of that are equivalent to that; sound knowledge of program activities, operational policy of service aspects. There is equivalent requirements in this level in the Metal Industry Award.

Exercises responsibility subject to work place policy, it is not actually included in the metal industry; may co-ordinate more than one group home or co-ordinate an independent living training service, that is obviously not applicable; responsible for outcomes across more than one functional unit, that is equivalent in the Metal Industry Award.

Lower level employees, supervise activities of a complex nature.

It is not included although I would argue that it is implicit in the standard that that is what one - sorry, because of this system of the way that they set up supervision it is not actually included, but I suppose I would anticipate that at that sort of level one would expect that you would find people who may be operating that level of supervision. Qualifications is an associate diploma which again is the same across both. Over the page is the rate of 150 and 160 per cent.

MR FITZGERALD: Level 7, is it?

MS HARVEY: Oh, sorry, it is C - this is actually, sorry, yes, this is DSW7, I apologise, it is not on there, we seem to have lost the metals as well. I think that is C2. I will take advice on that, I am not sure what the C level is; I remember now that at senior levels it starts getting funny and you have got CAB - - -

MR FITZGERALD: It is C2A.

MS HARVEY: It is C2A, is it? Sorry, it is C2A. Supervision:

Exercises a degree of autonomy to senior employees for outcomes.

I have already foreshadowed, Mr Deputy President, that that should be senior employees or management for outcomes. The Metal Industry Award operates within broad statements of objectives without requiring detailed instructions, which again we would argue is equivalent. Tasks:

Involvement in establishing providing critical knowledge.

Again that is equivalent to the Metal Industry Award; professional services, that is equivalent. In Metal Industry Awards it requires, has a list as diploma as the appropriate level of qualification within this award, diploma or degree. And then over the page on page 9 in HSUAs application it is:

A variety of management responsibilities exercising knowledge of statutory and legal requirements.

Now, in the Metal Industry we would argue that it is equivalent in terms of those sort of long term planning type responsibilities at this level. Lower level staff, as above, in the metal industry again it is the same here in that it does have a requirement about managing and being supervisory for other staff. Qualification is a diploma or degree and that is the same in the Metal Industry Award in the sense that it says diploma. However, there, I understand now that the rates have been put in by the Professional Engineers Association and links it to degree or diploma so that that 160 per cent is degree or diploma, and that distinction between degree or diploma is in fact being removed, is my understanding, so that really the two have become equivalent.

And that is reflected in T2399 which also says entry, which is a public sector full bench arbitrated decision, because it says that access to the professional stream is on the basis of degree or diploma. So, Mr Deputy President, that outlines the comparison between those three fairly critical documents, the HSUAs application, the skills analysis done by the SNC and the Metal Industry Award, and I would submit that the HSUAs application, it is clearly consistent with the benchmarks that have been established by the Metal Industry Award for key levels of skill which is measured by the policy of qualification and I would certainly also say that the relativities, I believe, are conservative in the sense that we have taken the top level of skill and allowed people to start in below that. So, in

effect what you are doing is starting people at a lower level before they get to there.

I now will turn to the - I am quite happy to have a 5 or 10 minute break, perhaps, before we go into the next section.

DEPUTY PRESIDENT ROBINSON: I think we should give ourselves reasonable working conditions. We will take a brief adjournment.

SHORT ADJOURNMENT

DEPUTY PRESIDENT ROBINSON: Ms Harvey, I like to be fairly up front.

MS HARVEY: Yes.

DEPUTY PRESIDENT ROBINSON: Do not take offence, but you have made life a little bit difficult for me in that your documentation and your presentation refers to the Metal Industry Award, which is a federal award. I do not know - I am trying to use the state award in lieu of the federal award but - - -

MS HARVEY: Okay. It numbers it differently, does it not?

DEPUTY PRESIDENT ROBINSON: Well, I am not very familiar with it, to be frank.

MS HARVEY: Can I just say I apologise, Mr Deputy President, and that I will provide you with a copy of the federal Metal Industry Award at the next hearing or I can provide it beforehand, if you like?

DEPUTY PRESIDENT ROBINSON: It is a pretty big ask, I know, from my point of view, to ask you.

MS HARVEY: That is all right, I do not mind.

DEPUTY PRESIDENT ROBINSON: It is amazing that an organisation like ours does not have an up to date copy of such a fairly prominent federal award, but there you go. Now, we will get one, thanks, but I just thought I would make you aware of the fact that I have not got it.

MS HARVEY: Yes, okay. I have actually largely concluded this section of the comparison with the Metal Industry Award. You will remember that

I am going to actually present on the next day of hearing a comparison with the employers, I may refer to it again but I will - - -

DEPUTY PRESIDENT ROBINSON: Yes. It is just a reference to, you know, the Metal Industry Award, C10, C9, C8 and - - -

MS HARVEY: Yes, right.

DEPUTY PRESIDENT ROBINSON: - - - all that stuff and I vaguely remember that key and I have been involved in it, but a long time ago.

MS HARVEY: Yes. Yes.

DEPUTY PRESIDENT ROBINSON: I am just relying upon memory.

MS HARVEY: Okay.

DEPUTY PRESIDENT ROBINSON: I was even going to ask you at one stage whether or not there is still a Metal Industry Draftsman, Supervisors and Supervisory Award, or something, which supplements the Metal Industry Award or is that now part II or IV or something?

MS HARVEY: I will provide a full copy - oh, well, I will not, you will provide your own, a full copy of the award, but I will be prepared for that at the next hearing in terms of answering that question.

DEPUTY PRESIDENT ROBINSON: Yes. But, tell me, are the awards split into two or have they been combined? They used to cover supervisory staff.

MS HARVEY: Yes. They have been combined, as far as I understand it.

DEPUTY PRESIDENT ROBINSON: Have they?

MS HARVEY: Yes. Mr FitzGerald is confirming that.

DEPUTY PRESIDENT ROBINSON: Right. Thank you.

MS HARVEY: I think they have been combined and, from memory, I would have to check it, I did not go into detail in preparing for this, but it goes quite high up into the 210s and - - -

DEPUTY PRESIDENT ROBINSON: Yes. It has probably been a change that has occurred in the last 20 years or something, you know, but I have not noted it.

MS HARVEY: Could I just say, before I get on to - turn to tab 3, there is one thing that I should have drawn more close attention to. When I was discussing DSW3 and the level of supervision and I made the comparison between the HSUA application and direct supervision and the SNC skills analysis, I should have actually make it very clear to you that the level of supervision we are requiring there is in fact less than the SNC skills analysis because if you go to the definition of direct supervision in - which is included in the application, and I will just read it to you:

Direct supervision means there is limited responsibility for the final outcome of work undertaken because limited discretion only is available satisfactory completion of allocated tasks.

Now, this talks about intermittent checking of non-routine tasks, so it implies that there is regular checking of the tasks as you go.

DEPUTY PRESIDENT ROBINSON: Yes.

MS HARVEY: If I could now take you to tab 3. Now, to supplement my submissions in this respect, Mr Deputy President, you have drawn attention to the fact that it is difficult making these sort of comparisons so I have - between an award like the Metal Industry Award an award like this one. I do not resile from the fact at all that that comparison is valid and nor do I resile from the fact that the classification of qualifications in that whole framework does provide us a mechanism of adducing to a common denominator so that we can be confident of what we are comparing, but I will leave that issue to Mr Brown's submissions later on in these hearings, lucky man, gets to explain all of this.

However, I did consider, in preparing these submissions, it was relevant to look to other awards that are a similar sort of - similar types of industry to see whether we could draw some experience from there and that is what indeed is contained in tab 3 in this exhibit.

DEPUTY PRESIDENT ROBINSON: Oh, right.

MS HARVEY: So, if you go to tab 3.

DEPUTY PRESIDENT ROBINSON: Yes.

MS HARVEY: And the heading is Relativities From Other Minimum Rates Award For Equivalent Classifications and so we are talking about minimum rate awards here, not paid rates awards.

DEPUTY PRESIDENT ROBINSON: And they are equivalent classifications?

MS HARVEY: Well, I have actually, in this case, reproduced the whole definitions so - - -

DEPUTY PRESIDENT ROBINSON: You heard my question though?

MS HARVEY: Yes, I heard your question and, yes, I believe they - as much as you can be in these things because it is like you are trying to draw up all these different awards to try and draw a common line across it and no one ever structured their award as systematically as - it would have been nice if they had of.

DEPUTY PRESIDENT ROBINSON: Yes, yes, yes, yes. And what is going to happen if and when there are so many significant enterprise agreements that they alter these standards and relativities and WAVA is, hypothetically, the only award, which is sitting on its own in comparison to all the others where the sort of comparisons you are making now, in the future may no longer be relevant in terms of the industries and the workforce.

MS HARVEY: To the question you want an answer to or is it a rhetorical one?

DEPUTY PRESIDENT ROBINSON: If you could answer that, you would be sitting here or in the president's office and I would not be here.

MS HARVEY: In that case, I will not answer. Disability support worker level 2: I have tried to, obviously in setting this out, indicate what we are comparing with; so we are comparing this disability support worker level 2. As I have said, there really is no difference between the employers and ourselves in any real - other than minor wordings but, essentially, we are not far apart in terms of disability support worker level 1. So disability support worker level 2 is 82 per cent 87.4. Now, by way of comparison of this jurisdiction there is actually an award called the Medical Diagnostic Services Private Sector Award Tasmanian Industrial Commission, and I have reproduced the definition for technical assistant level 1.1, and you will see there that there is a classification with increment points from 82 per cent, 87.4 per cent and, indeed, going higher to 92.9 - sorry, that should be 92.4. I apologise, they are metal relativities in this document.

DEPUTY PRESIDENT ROBINSON: Shall we change that to 92.4 then?

MS HARVEY: 92.4, and then going to the 100 per cent in the same way that my application - the HSUAs application is set out in this award. Now, I have reproduced the definitions and I have underlined the sections that I think are most important in drawing the comparisons. So the first underlining there is that the full range of skills and training specified for

this level may occur at various stages throughout the time period stipulated in the incremental scale for technical assistants. Now, if you look at the definitions, that there is works under direct supervision; so that is equivalent in that we are talking about direct supervision at this level.

DEPUTY PRESIDENT ROBINSON: Is that an arbitrated award or consent award?

MS HARVEY: Consent award.

DEPUTY PRESIDENT ROBINSON: Should that have the same persuasive effect as if it was an arbitrated award?

MS HARVEY: No.

DEPUTY PRESIDENT ROBINSON: Right.

MS HARVEY: It should not - obviously arbitrated awards have greater weight, but in this exercise, luckily for the parties in those other awards, generally proceed by agreements; so they probably the field from which we can draw fro arbitrated decisions may be somewhat limited. But I still think it has weight because it has had to meet the principles in terms of being ratified, so assess it does not have the same weight as an arbitrated award. So I think it is important to realise that the first underlining I have drawn your attention to is that we are looking at saying that these skills could be acquired in your fourth year or your third year, whereas if you look at the skills, really, we are requiring them in their first year at 82 per cent rather than possibly at their fourth year.

So it says that indicative tasks are listed down. I have underlined those to indicate we are talking about routine tasks. Repetition work on automatic, semi-automatic or single-purpose machines or equipment, keyboard skills, performance work under supervision, either individually or under team environment, maintains records and assists in laboratory functions, all of these are what I would I consider to be routine tasks and unlike our application, in this classification you are able to progress to the 100 per cent rate with just those skills and with that direct supervision.

So the next - on page 2 it is the FMWU Supported Employment Award which is an Australian Industrial Relations Commission Award and I am unable to answer the question of whether this was arbitrated or consent
- - -

DEPUTY PRESIDENT ROBINSON: Sorry, what was FMWU - - -

MS HARVEY: It is the Federated Miscellaneous Workers Union, which is now LHMU.

DEPUTY PRESIDENT ROBINSON: Yes, or whatever.

MS HARVEY: Or whatever. I am unable to answer whether this is an arbitrated or a consent matter. Do you wish to know the answer to that? I could probably endeavour to find out.

DEPUTY PRESIDENT ROBINSON: Well, you could take on notice.

MS HARVEY: Yes, I will be able to find out fairly quickly, I think. So the grade 3 employee - now, this award obviously covers supported employment only and does not cover these other aspects. And the critical things - it has got a relativity of 89.4 per cent. Mr Deputy President, I think that should be 82.4 per cent. Can I check that for you, too, as well? I apologise for this.

DEPUTY PRESIDENT ROBINSON: I will put a query alongside it.

MS HARVEY: I suspect my writing is such that the admin people have written 9 where it should be 2.

DEPUTY PRESIDENT ROBINSON: I see.

MS HARVEY: Yes, because it is - FMWU awards tend to be based on metal. So point 2 there, it says works under routine supervision either individually or in that team environment; so the emphasis is on routine supervision which is the equivalent of direct supervision. And then it lists them indicate tasks which are underlined: operating machinery and equipment requiring the exercise of skill and knowledge beyond that of grade 2; non-trade engineering skills, sorting, checking, basic soldering, boiler attendant, operation of fork-lifts, etcetera, assists more than one trades person. So, again, all of these are fairly routine tasks that are allowed for in equivalent to the HSUAs application. It goes on on page 3 just to list some more fairly routine production tasks. So in the HSUAs application we have all the same sort of routine tasks at this equivalent level.

Now, over the page, on page 4 we are now looking at the disability support worker, relativity of 92.4 per cent and 100 per cent. Now, Medical Diagnostic Services Private Sector Award, I am just referring you back again to the same definition that I considered when we were looking at disability support worker level 2 and, again, this is the relativity that goes to 100 per cent but the task, in my submission, would be much less than what we are requiring in disability support worker 3 definition because,

you will recall, it was all just straight direct supervision, very routine tasks, whereas in level 3 we are looking at actually starting to do things like simple training assignments of clients, a wide range of production tasks. Supervising clients is all included at this level; undertaking training and assignments of clients and vocational skills. So they are fairly non-routine tasks in terms of the non-production work.

So if you look at FMW Supported Employment Award, grade 4, again of the Australian Industrial Relations Commission, 92.4 per cent which is the equivalent to the first increment point. Again, you are looking at fairly limited sort of skills. They are only assisting the provision of on-the-job training to a limited degree and under the engineering skills you can see the emphasis is on production skills only in this definition rather than on any of the work with clients. So you can see all those production skills that I have underlined and again over onto page 5. This is the sort of work that is included, not all the work that we are suggesting should be included in terms of working with clients.

DEPUTY PRESIDENT ROBINSON: Is it suggested that your people could do that sort of work to the same level as these FMW supported workers?

MS HARVEY: It certainly is, Mr Deputy President, because what is listed is just basic, is routine types of production tasks which is exactly what we - in our application - would be requiring people to do at this level as well but in addition to that, they would be doing this client interaction work. Now, in the case of independent living skill services and group homes they are doing a lot of equivalent of routine tasks but they may not have those production things as well.

So in three - the third award that I am comparing there is the Health Services Union of Australia (Interim Award) of the Australian Industrial Relations Commission. It is an award established on first award principles in the federal jurisdiction which resulted from the union in that state going into the federal jurisdiction after the Kennett - I hesitate to use the word - reforms. And this award has not been restructured and so we are really looking at fairly minimum definitions, I would say, in terms of the actual skills required. So, as you can see, under the definition it says:

Under the supervision of a more senior intellectual disability services officer or other professional staff.

And if I can just explain that these intellectual disability services officers work within the public system because there is very few non-government services in Victoria but this is a minimum rates award, okay, so it is unlike other public sector awards. It is a minimum rates award. So the important

thing is that you have got a relativity that goes very close to the 100 per cent, starts at 99 per cent which is much higher than what we would be proposing, and it requires that direct level of supervision and if you go over the page to page 6 where it puts out the features. I have underlined it.

MR FITZGERALD: Sorry, is that second figure right, 97 per cent or the first one?

MS HARVEY: Yes. Oh - - -

DEPUTY PRESIDENT ROBINSON: They go backwards.

MS HARVEY: - - - it again it is my two problem. I bet you that it is 92 per cent. Thanks for drawing my attention to that.

MR FITZGERALD: That is all right.

MS HARVEY: I think I will check every nine in this document to make sure it is - - -

DEPUTY PRESIDENT ROBINSON: Where are we, page 6?

MS HARVEY: We are up to page 6. So the point that I was making was that these relativities go up to the same level that we are proposing for DSW3 but they start in fact at a higher level but they still have direct supervision. At the top of page 6 it says:

Direct instruction, straight forward standing procedure subject to check or review by the supervisor.

And further down:

However, these adaptations will be in line with the overall service program managed by more senior staff.

And when you come down to the typical duties it says:

Assist in the provision of therapeutic and development programs as part of a multi-disciplinary team for IDS clients.

That is intellectual disability service clients. And then on page 7, under routine supervision from an occupational therapist. So the point I am trying to emphasise is that we are really looking at these human services skills under direct supervision and at equivalent level of relativity. If I could now take you to the fourth award that we are comparing at this level

which is the Social and Community Services Award of the South Australian commission.

This again - on page 7 - this again is a minimum rates award. It did proceed by consent and it is a fairly recent award within the last 12 months that has been set up as a - gone from being an interim to an actual established award of that commission. Now, the level 1 which is 90 per cent, 93 per cent, 97 per cent and 100 per cent. So, again, it is equivalent to what we are proposing for DSW3. In fact, it is very, very similar to DSW3 in terms of relativities. Now, if we look at the definition, not only is it direct supervision, it is:

Close direction and undertake routine activities which require the practical application of basic skills and techniques.

And further down:

Employees duties at this level will be closely monitored with instruction and assistance standards and procedures.

I should have said, Mr Deputy President, that this award covers the non-government community services sector, an award no doubt that Mr FitzGerald is very familiar with.

MR FITZGERALD: It is not the disability services area?

MS HARVEY: It is not disabilities. I will be referring to disabilities - the disability awards in South Australia shortly.

DEPUTY PRESIDENT ROBINSON: Well, it covers non-government?

MS HARVEY: Non-government community services.

DEPUTY PRESIDENT ROBINSON: Community services.

MS HARVEY: And it is non-disability. It does not cover disability services but the reason I have included it and why it is of some interest is that it is a human services industry and it is one of the few awards in this area that has actually been restructured and so given the questions you are asking me about the difference between Metals and Technical Production Awards and Human Services, I think this provides us with a very good base for comparison because we really are comparing apples with apples.

DEPUTY PRESIDENT ROBINSON: It seems strange to be embarking on a comparative wage justice exercise, Mr FitzGerald?

MR FITZGERALD: Sorry?

DEPUTY PRESIDENT ROBINSON: It seems strange to be involved in a comparative wage justice exercise.

MR FITZGERALD: Times might have changed.

MS HARVEY: This is not a comparative wage justice exercise, Mr Deputy President; surely this is a structural efficiency exercise.

DEPUTY PRESIDENT ROBINSON: Well, it is an exercise you tell us is in accordance with the wage fixing principles fixed by the federal commission and adopted by this commission.

MS HARVEY: That is correct. On the top of page 8, if I could just go on, it says:

Supervision of other staff is not a feature at this level -

and in the HSUAs application we do suggest that staff would be involved in assisting lower level employees. So in the HSUA application it is an additional responsibility that this classification does not have. And it says no formal qualifications are required. That is significant because again it goes to the 100 per cent level; similarly to DSW3 which goes to the 100 per cent level.

DEPUTY PRESIDENT ROBINSON: Right. Touché.

MS HARVEY: At this level employers are required to offer substantial on the job training, something that we would hope happens in DSW3 but certainly is required in DSW1 in terms of the induction training; undertake routine activities of a support nature, and again I would argue that this is more restrictive than what the HSUA application seeks to do because we have got these non routine functions and tasks involved at DSW3. Over the page on page 9 just continuing under this same classification:

Under close direction assist with development, planning, implementation evaluation of community services programs on an elementary level.

Well, that is consistent with the requirements to look at individual IPPs and be involved in that process as part of a team:

Under close direction undertake work with individual clients at first contact level -

so again there is the close direction:

Work under direct supervision. Work outcomes are clearly monitored.

If I could now deal with the - fifth award under this is the Disability Services Interim Award in South Australia. Now, in relation to this award its status is that it is a minimum rate award, it covers the same - virtually the same scope that we are talking about in this award in that it covers the non government disability services industry, keeping in mind of course that there are some Miscellaneous Workers Union awards that are in the federal jurisdiction that obviously override.

Now, this award is in the process of being restructured at the moment and that is why it is only interim, and what has happened in that award is that they have put forward a series of salary points and worked out translations for particular types of employees. Now, the classification I am seeking to indicate here is a developmental care worker, and the developmental care worker is a direct care worker who has direct supervision and no formal training. Now, there is - - -

DEPUTY PRESIDENT ROBINSON: Have similar sorts of clients?

MS HARVEY: Yes. So the important thing is it starts at 97 per cent, which is far in excess of the level that we are seeking at DSW3, and it goes over the 100 per cent rate to the 102 per cent.

DEPUTY PRESIDENT ROBINSON: And they have no formal training?

MS HARVEY: That is correct. This award - I have spoken to both the Australian Services Union and the LHMU in South Australia, as I said, it is in the process of being restructured and this is an interim award, so there are no formal definitions as such. It refers to developmental care workers, so I have rung those organisations and found out what the requirements were and this is what they informed me. I asked for documentation, but apparently they are in the throes of negotiating it and they cannot actually provide me with anything definitive.

DEPUTY PRESIDENT ROBINSON: And - - -

MS HARVEY: They do have in-service training.

DEPUTY PRESIDENT ROBINSON: They have direct supervision too.

MS HARVEY: That is correct.

DEPUTY PRESIDENT ROBINSON: Presumably they recruit people who have been around and have some experience or training in other areas. Well, we can only speculate.

MS HARVEY: We can only speculate on that. I think this reflects the sort of - sort of comments that were made by both my witnesses that have been called to date, that in the human services industry really you are looking a fairly direct level of supervision being required where you are looking at client interaction.

DEPUTY PRESIDENT ROBINSON: You do not have the choice?

MS HARVEY: No, not when you are dealing with peoples lives. On page 10, the Medical Diagnostic Services Award, again we are comparing here disability services support worker 4; 100, 105 and 110 per cent.

DEPUTY PRESIDENT ROBINSON: Is this a TIC award?

MS HARVEY: Sorry, we are comparing the disability services from the HSUAs application with the Medical Diagnostic Services, yes it is a TIC award, private sector, by consent.

DEPUTY PRESIDENT ROBINSON: Yes.

MS HARVEY: So we have got technician level 1.1; 101, 105 and 110. The - it is quite clear that it applies to an employee who has acquired skills through the successful completion of a relevant qualification or equivalent accredited training or has the experience deemed by the employer to be equivalent. Now, can I just state, I want to make it very clear, that in this case that went before Commissioner Watling there was very clear commitment given by both my organisation and the TCCI that equivalent accredited training means: that you could have your competency assessed. So that that would incorporate and encompass equivalent competency.

And that is - I just want to make that point clear in case that it was somehow read to mean that you had to have a formal qualification. Because that is not the intention and it is very clearly documented in the transcript that this application proceed.

DEPUTY PRESIDENT ROBINSON: A bit vague, is not it. I mean to somebody seeing it the first time as to exactly what is meant by - - -

MS HARVEY: I agree - - -

DEPUTY PRESIDENT ROBINSON: - - - applies skills acquired through successful completion of a relevant qualification. I mean - or whatever the equivalent is to the relevant qualification?

MS HARVEY: Well, it is in fact the very same view initially that we were discussing earlier when I said that, that it is necessary to have some flexibility in terms of what is a relevant qualification. And if the parties cannot agree that they would be before the commission. But to start listing this is relevant, listing qualifications by their formal title, all it does is get us into almighty trouble when our qualifications change.

DEPUTY PRESIDENT ROBINSON: Yes, but it does not even have a starting point, does it, in this one?

MS HARVEY: No.

DEPUTY PRESIDENT ROBINSON: Right. And - - -

MS HARVEY: It does in the professional, it talks about application of applied science.

DEPUTY PRESIDENT ROBINSON: But it does not even say that they shall have completed year 10, or any, you know.

MS HARVEY: No, it does not. You are quite right. So, but the point is that we - looking at that level of 100, 105, 110, it is actually deemed to be - we are looking at that certificate level there, okay? So, the question that you asked me was it year 10? It is actually in the definitions overall that this is the trade certificate level. So, entry into the technical stream requires the completion of a certificate, so there is - entry is restricted.

DEPUTY PRESIDENT ROBINSON: I see.

MS HARVEY: So that 100, 105, 100 is certificate level for training.

DEPUTY PRESIDENT ROBINSON: Right.

MS HARVEY: So it goes through to the 410 from certificate level training.

DEPUTY PRESIDENT ROBINSON: Right.

MS HARVEY: But there is no requirement other than certificate or equivalent and it does go to that 110 over and above the 100 per cent.

DEPUTY PRESIDENT ROBINSON: Oh, yes.

MS HARVEY: And that is what the point in including this was, that we have an award - clearly an award that goes to certificate level that goes to 110 per cent that has been endorsed by this commission. The FMWU Supported Employment Award, which is again the federal commission award, grade 6, which is 115 per cent, this is for a trade qualified or equivalent experience, who is capable of - and I have listed it there:

Assessing the ability, skill and competence of a person with a disability to carry out specific work, tasks or duties together with being able to design, develop and provide individual training for a person with a disability as required to assist the person in attaining their identified vocational goals.

Now, the point of including that, Mr Deputy President, is that it is quite clear 100 per cent is a trade rate and in our application anyone who does not do this extra task cannot move beyond the 100 per cent. They have to stay there. But these people - this is 115 per cent that has these equivalent to the sort of skills that we are requiring of an employee in DSWU4, and indeed, it goes higher than what the HSUA was proposing in that we only go to 110 per cent.

We then go over the page to the IDSO classification contained in the Health Services Union of Australia Interim Award, which has a level of 106, 109 and 111, and again this is applying in the government sector but as a minimum rates award, and it says there:

Contribute to the design and independent implementation of developmental and therapeutic programs.

I am sorry, I have just missed "under general direction".

DEPUTY PRESIDENT ROBINSON: And what was IDSO2, did you tell us, or - - -

MS HARVEY: Intellectual Disability Support Officer - service officer.

DEPUTY PRESIDENT ROBINSON: Right.

MS HARVEY: So, it says "under general direction". Now, we have got general supervision at this equivalent level, although we only go to 110 per cent in HSUAs application, and then:

Contribute to the design and independent implementation of developmental and therapeutic programs.

which is similar to what we are requiring in DSW4. In fact if they go beyond just contributing they are actually required to deal with training assignments other than just assisting. In the next underlined section:

Proposed changes would be reported to the supervisor for approval and may be within the general service plan/framework established.

And the next:

In residential settings, IDSOs may be responsible for the supervision and training of other staff.

which is again equivalent to what we have included in DSW4. Over the page - they go on a bit in these classifications in the award.

DEPUTY PRESIDENT ROBINSON: Do they?

MS HARVEY: I have included it all, but I will not take you through every word, just the relevant sections. On page 13, still we are comparing the relative skill to RDSW4. Now, looking at the South Australian Award and Social and Community Services Award and reading the definitions the nearest fit is in fact their Community Services Worker level 2, which starts at 105, goes to 110, 115 to 119, which is nearly 10 per cent higher than what we are proposing for DSW4. And you can see there that it is under regular direction and the HSUAs application is general supervision rather than regular. Employees will be under the direct supervision of a senior worker, so it is more restrictive than what HSUA is proposing in this award.

General features, and it is underlined, that to define by established routines, methods, standards and procedures with limited scope to exercise initiative in applying work practices and procedure. Assistance will be readily available. Employees may be responsible for a minor function, and further down, may be required to oversight and/or guide the work for a limited number of lower classified employees. Supervision of other staff is not a feature of this level. Now, in every one of those things that I have just highlighted they are far more restrictive than the HSUAs proposed structure, and indeed, as I said before, the relativities are far higher, so I think that supports our contention that the relativities we are proposing are fairly conservative.

DEPUTY PRESIDENT ROBINSON: Who consented to this?

MS HARVEY: The South Australian equivalent of the TCCI, and I understand that ACROD, which is the Australian Council for the Rehabilitation of Disabled People, were involved in the negotiations. No,

I retract that, they were not. I think it was the South Australian Council of Social Services was involved in the negotiations.

DEPUTY PRESIDENT ROBINSON: I see.

MS HARVEY: It certainly was not ACROD, because they are involved in this other award, so - but the actual - I understand it proceeded by consent, so I am assuming rather than knowing that that would have been the equivalent to the TCCI.

DEPUTY PRESIDENT ROBINSON: Do you know what the scope of this particular award - the Social and Community Services Award in South Australia would have been?

MS HARVEY: I will add it to my list of things to get you. I have read the scope. Actually, Mr FitzGerald may be able to assist me, but my understanding is it is non-government, social and community service organisations.

MR FITZGERALD: Not covering the disabilities area.

MS HARVEY: Not covering disabilities.

DEPUTY PRESIDENT ROBINSON: Right. And perhaps these community social worker people might not be located at a central place, but they might visit homes of people. I do not know.

MS HARVEY: Well, I will certainly get you the scope. Just personally I have spent many years in the community service industry in the non-government sector in Tasmania and in fact I was the executive director of the Youth Affairs Council of Tasmania in my past employment. And my experience with community organisations that this award covers is - it covers sorts of things like tenants unions; it covers advisory bodies; it covers community organisations that provide assistance to people in the community, now they could be quite small or big, and there is a variety of models. They cover places like Salvation Army, St Vincent de Paul, youth workers, community based workers - all those sorts of classifications.

DEPUTY PRESIDENT ROBINSON: Right.

MS HARVEY: So, I mean, that is why I think there is so much relevance of this particular award because it is very similar in terms of the human services skills.

DEPUTY PRESIDENT ROBINSON: Excepting that they are not dealing with people with intellectual or physical disabilities necessarily.

MS HARVEY: To the extent that they are - it is not those - in the sense that they have supported employment independent living skills and residential sort of services. However, there is a huge amount of commonalty and that is reflected in the fact that the Industry Training Board incorporates health and community services and in the same sense that the public sector department is health and community services. And age and disability have been put together and sometimes a distinction is fairly artificial between disability and community services, but that is the structure that we have sort of inherited from the past. But the direction of social policy is in fact probably going a different way.

DEPUTY PRESIDENT ROBINSON: Yes. But did not your own witness say that perhaps people of this particular classification might be some of those who would be called in to aid from time to time say at Oakdale, as I call it - are you with me - - -

MS HARVEY: No.

DEPUTY PRESIDENT ROBINSON: - - - that this sort of classification might be called in by a supervisor at one of these workshop places to provide specialist services to that client?

MS HARVEY: Right. At this level, at DSW4, we are looking at people being able to - if I just go to the definition:

To supervise and to develop and implement training programs.

But we have still got more senior levels that we are proposing in terms of that very specialist skill. The witness that I called this morning was really giving witness in relation to level 7. So - - -

DEPUTY PRESIDENT ROBINSON: Yes, but that makes the point even greater perhaps, that at level 7 they still may call in to aid specialists such as a community - community social worker for particular - - -

MS HARVEY: Oh, I am with you, Mr Deputy President.

DEPUTY PRESIDENT ROBINSON: - - - social-type problems?

MS HARVEY: Yes. No, she was talking about a professionally qualified social workers, which is a four year degree.

DEPUTY PRESIDENT ROBINSON: Right.

MS HARVEY: And at this award they use the term "community services worker" and that covers a whole range of people. Similarly, in the same

way that it does in disability services industry, so a community services worker at these lower levels would have an equivalent of skill what we are propose in disability to the disabilities - DSWs. So there is an equivalent - she was actually talking about tertiary qualified social workers as opposed to community support workers.

DEPUTY PRESIDENT ROBINSON: Yes. Right. Right.

MS HARVEY: Yes. So if I could take you over the page to page 16 where it - and again we are still looking at - they are long definitions. We are still looking at community services worker level 2, and this person is not - is not tertiary qualified.

DEPUTY PRESIDENT ROBINSON: Did you say at page 16?

MS HARVEY: Yes.

DEPUTY PRESIDENT ROBINSON: A fair jump?

MS HARVEY: Yes, page - oh, sorry, page 15. I should have taken you to page 15 as well, at the bottom of page 15 it says:

Work under regular supervision, provide limited guidance to a limited number of lower classified employees.

Now, again, this is much more restricted that what the HSUA is proposing in this award.

DEPUTY PRESIDENT ROBINSON: Right.

MS HARVEY: Page 16 is Work Outcomes are Monitored, going to the level of authority that the employee has. And:

Solutions to problems may require the exercise of limited judgment with guidance when problems occur.

So we can take you over the page again to page 17, Disability Support Workers 5, which we are proposing the relativity of 115, 125 and 130 per cent. Characteristics of this level in the equivalent of the Social and Community Services Award of South Australia is the community services worker level 3. Now, again, it shows how conservative that we have been in our application:

Under general direction in the application of procedures, methods and guidelines which are well established. Employees appointed at this level will be under the direct supervision of senior worker.

And the equivalent to the HSUAs application we are talking about limited supervision rather than direct supervision. In the fourth - the next underlined section, the scope for exercising initiative in the application, so positions at this level will allow employee the scope for exercising initiative in the application established work procedures, whereas, we are really talking about quite a significant level of discretion operating in the equivalent level in the HSUAs application.

And underlined again is a three degree holder shall commence at step 1 of this level. Now, I just remind the bench that this is again the application of Metal relativities in terms of qualifications because you will recall when I presented the submissions about the years of service going with certain relativities, well, a three year degree person with no experience enters in the metal industry at 115 per cent. So they have picked up that metal industry qualification link in the Community Services Award in South Australia. Over the page, graduates on completion of 12 full-time equivalent months service at step 3 shall be advanced to step 1 of level 4.

Now, just to - that actually is again this - it actually puts them into a higher increment point in the next level, which is again designed to reflect that accelerated progression that we inherited from metals when people have qualifications. So, if you go further down it says:

Entry level for degree holder.

The same point. On page 19:

Exercise responsibility for a function within the work area.

This is the same as the requirement that we have included in disability support worker level 5 which goes to 130 per cent. Actually, Mr Deputy President, I just realised that the relativities for CSW3 have been left off. I will have to provide that to you.

MR FITZGERALD: Which page are you going back to?

MS HARVEY: Just on the top of page 17, the actual relativities for CSW3 have been left off the exhibit. I will have to provide those to you, Mr Deputy President. It is community services worker level 3. My recollection is it starts about 120 per cent, which is well in advance of the rate that we are proposing to start from but I will get that for you first thing in hearing tomorrow. I just wonder whether - - -

MR FITZGERALD: I hope not tomorrow.

MS HARVEY: Sorry. Actually, I just wonder whether we might leave it there.

DEPUTY PRESIDENT ROBINSON: Do you want to start early tomorrow or - - -

MS HARVEY: My brain is starting to feel a little bit addled. I am just wondering whether we might not all be best to, if you would not mind, close it here and recommence on this at the next hearing and give me a chance to fill this in as well.

DEPUTY PRESIDENT ROBINSON: Unless there is some objection. Any objection for us closing at this time?

MR FITZGERALD: Well, we were just discussing that.

DEPUTY PRESIDENT ROBINSON: No. No.

MS HARVEY: I never thought I would see the day where I would publicly admit my brain is being addled, but I am afraid it is, too many relativities for one day.

DEPUTY PRESIDENT ROBINSON: I will turn down that page. And we will not resume tomorrow. When do we resume?

MS HARVEY: We resume on the 6th.

DEPUTY PRESIDENT ROBINSON: Oh, right. We do too. Right. Well, we will now adjourn until Wednesday, 6 July. Thank you.

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