

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

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

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

re making of a new award

COMMISSIONER GOZZI

HOBART 10 December 1993
continued from 18/10/93

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: I don't think there's any changes in appearances this morning.

Mr Paterson or Mr Fitzgerald - who would like to go first.

MR FITZGERALD: Oh, we're both pointing to each other. I think - think what we'd probably be outlining, commissioner, is - is the process from here on and I think we would acknowledge that there has been considerable progress. There are still matters to be further discussed and agreed and we acknowledge the service of the commission in assisting agreed - agreement in some matters.

We believe, commissioner, that there are some matters which are either agreed at this point or that there are very small differences with further discussion we are able to achieve agreement which could in fact be presented as consent matters to this commission within a very short time and - and incorporated into award along with what already exists in the award, and essentially it's only a shell - the title and parties and persons bound, et cetera.

So we - we believe that there are matters identifying the agreed matters as well as some further discussions with those ones where we're not - we see them not to be too far apart on which could be incorporated within the next few weeks.

Further, commissioner, there are other matters which we - have been the subject of discussion yesterday and prior to that which we're eager to also reach agreement on.

COMMISSIONER GOZZI: Mm.

MR FITZGERALD: And at this stage we would see that there be some further time today and some future time which may be - to arrange - to be arranged between the parties to further progress those - those matters.

So essentially that's - we see - that's where we see the process, Mr Commissioner. We are anxious, as I think we've indicated on record before, to progress this as a matter of urgency. The which is the registered organisation has of course limited resources and Mr Kay particularly, the principal person involved who works other jobs as well, but they've also given the commitment to - to progress it as quickly as possible. We're at a stage, I think we're closer than - closer than we ever have been in the last 10 years at least and at this stage we don't want to lose the momentum, we're happy to progress it as expeditiously as possible.

So that's where we see the process. Admittedly it's more discussion but we've some objective - we've some clear objective - Mr Commissioner, of achieving agreement and we'd hope to be able to come to you with a totally consent document

rather than having matters arbitrated. But that remains to be seen, but that's our desire at this stage.

COMMISSIONER GOZZI: Very good, Mr Fitzgerald. Thanks very much. Mr Paterson?

MR PATERSON: I don't know that there's a lot more that I can add, Mr Commissioner, other than to say that scanning back over what we did go through yesterday, there are a few sticking points but they are sticking points within paragraphs of clauses rather than whole clauses and in most cases we have been able to resolve differences by change of emphasis or a change of wording. I would like to think that we will be in a position by, say, the end of next week to identify a major list of non cost conditions matters basically where we have reached agreement.

The areas that we won't have reached or may not - some - well it basically remains to be seen the intention is to spend the most part of today on the principal questions of classifications, wages and relativities, hours, shifts, overtime and penalty rate type issues, sleep over in particular I suppose is one that we will need to thrash around a bit, to the extent that we can set those on an agreed path they could be included, but they seem to be the areas where some further consultation will be required, particularly wages and classifications.

And on that matter, the CSCOT did report to us yesterday and Terry Kay can speak for himself that they were looking at some process of actually an organised and developed consultation with their membership so that we hopefully would be looking at returning to the commission in perhaps mid February with the intention of meeting a commitment to a 1 March implementation date of the full award. I think my knowledge and understanding of the industry is that it does require a definite deadline. People need to be told that something is going to happen and in fact usually if you tell them it's already happened that's the best way to panic them into doing something, but we can't quite get away with that here.

I also would like to, on the record, suggest to the CSCOT that they look at some of that material that came from South Australia in the testing process because that may in fact be a useful way to get the response of the employers to whatever proposals are on the table in terms of wages and classifications rather than just putting up one or two positions and saying, which one do you prefer.

That actually involved, as you would have some idea, a testing process and a process for assessing positions against classifications. I would like to think too, that we may in fact come out of today with at least some principle agreement. Maybe there will be sticking points and - and difficulties

about the number or the span of classifications, but I don't think from my knowledge of what has been done here and elsewhere that there is in fact any better approach on the table anywhere in the country to classifications within this industry than what are on the table here.

Somewhere between what we originally put up, what's now on the table, and what was used in South Australia, basically minor variance of the same theme, and if we can get that as an agreed position then people will actually have something concrete to measure their dollar response and their relativity response to, and maybe that should be our objective in terms of the wages and classifications issue.

I expect that we will want another date but it need not be a full hearing date. I would like to think that by the end of next week we would be able to notify you of - of a requirement for a 9.30 type hearing to present a consent document, and if we haven't done it and substantially agreed by Friday 10th, then I think we're not going to have it done, although if that whole next week is available then I suppose we've got up until 17th, but maybe we need some off the record discussion on dates in that matter. If the commission pleases.

COMMISSIONER GOZZI: Yes, thank you, Mr Paterson.

Well I'm very satisfied with the progress that's been made. I think it's - I think it's excellent. And the approach of getting the agreed matters into the award in this year I think is sound. That will be a good indication anyway that things are progressing to those out in the field, so that will be good.

I just want to put on the record that I spoke to Mr Graham this morning and because of the building in Canberra being hit by that utility with gas or whatever it was, knocked the building around a fair bit, I understand, he can't make contact with the appropriate people to get permission, or authority I suppose, to be involved. Now I put to him that it's not necessary for him to be involved formally in the proceedings - and we don't need to go through the intervention processes in the act to make that happen, but it's more a case of the department being involved in the processes leading up to the making of the award, because as I understand them, that has an impact on the attitude that might be adopted as far as funding is concerned. So he's going to investigate that and I put the onus on you, Mr Fitzgerald, that you would notify him of the dates that we might agree to afterwards, that it would be up to him then whether or not he attends.

MR FITZGERALD: Well, I'm happy to accept that and we'd certainly undertake to do so, commissioner.

COMMISSIONER GOZZI: Yes, thank you, Mr Fitzgerald.

So we'll go off the record and see what we can do as far as dates are concerned.

OFF THE RECORD

COMMISSIONER GOZZI: Alright, this matter is adjourned to 14th December for the purposes of making a consent award in respect of certain conditions - agreed conditions matters, and the other aspects that need to be attended to are adjourned to 8th of 8th and 9th February next year. And in the interim period between now and then as we discussed would be appropriate positions could be developed by the employees in respect of those outstanding issues, classification structures and rates of pay and if at all possible, for those to be exchanged with the unions and with the department - the Health Department - and also with Jim Graham from a funding and IR point of view.

I mean I wouldn't foreshadow it, but certainly I wouldn't want to see at the eleventh hour an intervention by the minister from the Feds being put in a position that - you know - that they can't afford the rates or whatever. It's better to try and get that done beforehand.

Now I'll adjourn you back into conference. I won't be available after 12.30; I'll be available later on this afternoon.

ADJOURNED INTO CONFERENCE

NO FURTHER PROCEEDINGS RECORDED