

**IN THE TASMANIAN INDUSTRIAL COMMISSION**

**Industrial Relations Act 1984**

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| T No. 2399 of 1990 | <b>IN THE MATTER OF</b> an application by the Tasmanian Public Service Association to vary nominated public sector awards  |
| T No. 2511 of 1990 | <b>IN THE MATTER OF</b> an application by the Federated Engine Drivers' and Firemen's Association of Australasia, Tasmanian Branch to vary the Boiler Attendants Award           |
| T No. 2473 of 1990 | <b>IN THE MATTER OF</b> an application by the Tasmanian Public Service Association to vary the Prison Officers Award   |
| T No. 2587 of 1990 | <b>IN THE MATTER OF</b> an application by the Tasmanian Prison Officers' Association to vary the Prison Officers Award   |
| T No. 2504 of 1990 | <b>IN THE MATTER OF</b> an application by the Association of Professional Engineers, Australia, Tasmanian Branch to vary the North West Regional Water Authority Employees Award |
| T No. 2506 of 1990 | <b>IN THE MATTER OF</b> an application by the Association of Professional Engineers, Australia, Tasmanian Branch to vary the Professional Engineers Award                        |
| T No. 2508 of 1990 | <b>IN THE MATTER OF</b> an application by the Hospital Employees Federation of Australia, Tasmania Branch to vary nominated public sector awards                                 |

T No. 2516 of 1990

**IN THE MATTER OF** an application by  
the Police Association of Tasmania  
to vary the Police Award

T No. 2586 of 1990

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

T No. 2594 of 1990

**IN THE MATTER OF** an application by  
the United Firefighters Union,  
Tasmanian Branch to vary the Fire  
Brigades Award

T No. 2605 of 1990

**IN THE MATTER OF** an application by  
the Federated Miscellaneous  
Workers Union of Australia,  
Tasmanian Branch to vary the  
Miscellaneous Workers (Public  
Sector) Award

re structural efficiency  
principle

**FULL BENCH**

PRESIDENT  
COMMISSIONER GOZZI  
COMMISSIONER WATLING

Hobart 22 July, 1991  
Continued from 21/5/91

**TRANSCRIPT OF PROCEEDINGS**

unedited

PRESIDENT: Are there any fresh appearances?

MR VINES: If I can just add two to mine, Mr President. GREG VINES together with MR ROD HUNT and PAUL MAZENGARB for the Tasmanian Public Service Association.

PRESIDENT: Yes, thanks Mr Vines.

MR A.J. GRUBB: If the commission pleases, GRUBB, A.J. on behalf of the Amalgamated Society of Carpenters and Joiners of Australia, Tasmania Branch.

PRESIDENT: Thank you, Mr Grubb.

MR CLIFFORD: I am not sure whether we have appeared in the previous ones, Mr Commissioner, but MARTIN CLIFFORD appearing on behalf of the -

MS ....: Yes you have.

MR CLIFFORD: Yes, I have. It is just in front of me there, yes. The conglomerate.

PRESIDENT: Yes, you have done a splendid job, Mr Clifford.

MR T.J. HARDING: Mr President, commissioners, HARDING T, appearing on behalf of the MEWU.

PRESIDENT: Thank you, Mr Harding.

MR K. BECKER: Mr President, BECKER K.D. appearing on behalf of the Electrical Trades Union.

PRESIDENT: Yes, Mr Becker.

MR B. MASTERS: MR BASIL MASTERS, Tasmanian Prison Officers Association. I believe we have appeared but in a different capacity, Mr President.

PRESIDENT: Yes, thanks Mr Masters. No further changes.

MR D.J. HANLON: Sorry, Mr President. MR JARMAN - MR M. JARMAN and MR R. HUGHES also appear with Mr Pearce and myself for the Minister administering the State Service.

PRESIDENT: Yes, thanks Mr Hanlon. Mr O'Brien?

MR O'BRIEN: If the commission pleases the - following the further interim decision made in this matter -

PRESIDENT: Probably will not be the last.

MR O'BRIEN: Well, that is fair enough by us because the unions have met to consider that decision and to structure the



presentation of our arguments in this matter. We have had regard to the decision and in particular the matters which appear on page 4 of that decision, particularly the seven points relating to classifications standards and the benchmark figure. And we would be suggesting that this matter proceed to hear the parties on those matters.

We would anticipate that we would possibly conclude our submissions on those matters within the first two days set aside. Although that may be optimistic depending on how the matters run. That would give the government some time to consider and respond if need be and we would then be asking that a further interim decision be made in respect to those matters and that we come back on the other outstanding matters.

In relation to the conditions of service matter, we note that that is a matter for further work on our part. We would be proposing to concentrate on these aspects of the matter first and proceed to those subsequently. In relation to the presentation of argument, we have agreed to an effective batting order and Mr Vines will be taking strike. He will propose to put certain arguments in relation to the classification standards applying to occupational - to streams other than the occupational streams.

And that I will follow Mr Vines submissions on that matter and on the question of the benchmark figure under those three question points that appear following classification standing points in the documents. Other unions will then follow to expand if necessary on any of those submissions as they affect them or any matters that arise on which they seek to differentiate their view from those already presented. If the commission pleases that is the way we would suggest that this matter run from this point.

PRESIDENT: Yes, thanks Mr O'Brien. Mr Hanlon, do you have a view on that?

MR HANLON: I certainly do, Mr President. The outline provided by TTLC in actual fact does not really address what happens next. It seems to me that that issue ought to be clearly before the commission before it decides what this interim step actually seeks to do because page 4 very clearly - or the decision very clearly says that the State full bench will have charge of the four classifications - for the four streams.

It distinguishes that the custodial emergency services streams will be assigned to an individual commissioner and that will occur at the point at which the benchmark issue is resolved. It does not suggest in any way that there is going to be two bites at the cherry. It says that the four streams are before this commission and that in determining all matters in respect of the full occupational streams. It says that at the base of 4.3. It then nominates the four streams.



At the top of page four it says: to that end we wish to be addressed on it. Other than identifying specific matters which it wants to be heard on, then we would say that the commission expects that the parties, in the case the unions as the applicant, will proceed to deal with the matters that are outstanding. Not that we will deal with the extent to which existing awards are to be absorbed and then each one of a separate questions.

Then you will give us a decision and then what will happen at that point in time - as already Mr O'Brien has said, well he wants those seven questions out of the way before we get to conditions of service - the question then will arise is when do we get to conditions of service after that phase. And what will we, as the employer, be left with in terms of a process.

Because it is essential for workplace reform under the structural efficiency principle that at some point we get an agency focus on the agency's specific items. That we have some idea as to the alteration in workplace tasks that lead to the broadening and upskilling of certain positions which then allow the translation of an individual into the award outcome.

Currently, while matters are being dealt with piecemeal any single organisations that wants to pursue some individual item pursues that and the employer then is left to wait till the small matters are dealt with - and I am saying small in the totality - whereas we need to get clear what the principles are going to be and it is our view that the number of classifications and the classification standards are interrelated.

One distinguishes between the levels by way of description then one is very clearly also distinguishing by way of sums of money. If there is no increase arising out of the benchmark then one is left with existing rates of pay subject to anything that is put about certain classifications who are associated with special cases. But if they were to be run separately, those work value matters, later on an award-by-award basis then it means very few organisations would want to talk to us while there was a possibility that there would be some distortion in any one of those four occupational streams.

So we would say to the commission that the parties should proceed to the point that they wish to finalise their argument and the money questions - and that is what is handicapping the process at present is that there is an unfounded view that there is some increase somewhere. Now, the 1989 national wage guidelines set out very clearly that translation costs are expected to be minimal. There are special case applications and there are minimum standard benchmarks.

And they adopted the ACTU recommendation as to minimum standard benchmarks. The matter that then comes before this commission is in some way - who is different from that standard, and if there is no difference then it becomes a settled matter as to current rates

of pay. Now, the sooner we get on to deal with what other aspects form the work value then very clearly we are not going to make progress on workplace reform of which the whole purpose of the SEP was about.

For us to keep going by way of a series of interim decisions with over 30 organisations then there is very little progress being made and we are not able to start on the process of the page 10 and 11 agenda items.

PRESIDENT: So, what are you suggesting we start on?

MR HANLON: That the matter proceed before the full bench. That the four occupational streams be dealt with to finality and that -

PRESIDENT: Yes.

MR HANLON: - whatever matters need to be put in terms of work value in each of those are put, a decision is made. The way in which those four principal awards, as they stand, in setting the standards they then form the principles by which we translate those into award outcomes and into the broadening functions, the setting of competency standards and the introduction of training.

Now, without that certainty then all we are really doing is extending even further our the time. So we are saying to the commission that it should deal with all the outstanding matters of difference as they exist. If differences then occur after your next decision then we are still able to come back and have those resolved. But there needs to be a process whereby we start to make some inroads.

PRESIDENT: Well, that - it was for that reason that we listed the first four points. Because there appears to be some difference, substantial difference between the parties on those specific issues in the first four points. They need to be addressed and put to bed.

MR HANLON: I am not opposed to putting them to bed, what I do not wish to see, Mr President, is the situation to return where we were dealing with those four occupational streams prior to Christmas - last June. The process of dealing with that got interfered with by the numerous special cases.

PRESIDENT: Yes. Well -

MR HANLON: The decision in February then said: well, we will now merge the - or the two decisions - we will merge the two matters together. I interpret the proposal by the TTLC to be one of separation back to where we were and then we will run those -

PRESIDENT: I did not. I did not see it in that sense at all, Mr Hanlon.



MR HANLON: Maybe it is my approach, Mr President, but I clearly see in asking - and I ask the question: what is the next stage envisaged to be? Now, that has not been put to us at all.

COMMISSIONER GOZZI: Can I say, my understanding is that Mr Vines would this morning explain to us the four stream proposal. Which seems to be in keeping with what you are asking us to do. I mean, at the last time - the last hearing Mr Hanlon you indicated that apart from the operation stream there were some significant differences in the other streams and you requested, on behalf of the government, that the commission start to arbitrate those differences.

And from what was said this morning it seemed to me that is exactly what is being proposed to the bench now. That Mr Vines starts the batting, if you like, in respect of those four occupational streams and in that process other parties would respond and it would be then up to the commission to sort out what happens in respect of those streams and that would provide the blueprint, if you like, for the ultimate classification of employees within those streams.

As far as the special cases are concerned it is my understanding that employees would subsequently be classified within those streams as a matter of an administrative exercise where the commission would have some sort of watching brief. Basically that is what I understood was being proposed this morning which does not seem to be a variance with what you are asking us to do.

MR HANLON: Well, I am saying and what was not said, was that I want the money determined in that process in terms of principle.

COMMISSIONER GOZZI: Well, I think it is going to be fundamental that in sorting out the differences in the structures that are proposed that money will come into it. I mean, in some instances the government proposes fewer levels than is proposed by the TTLIC and the TPSA and there might even be some vice versa situations. But fundamental to sorting out those differences would be to determine the amount of money in the structure.

MR HANLON: Mr Commissioner, I have no difference with the way in which you explain it. As I understood it being put the money was not included in the answer of the seven questions. If the money is to be addressed in the seven questions in terms of total I have no difficulty with that.

PRESIDENT: No, I think Mr O'Brien made the point that the benchmark would be addressed and -

MR HANLON: Well, the benchmark as we understand it applies to one classification of tradesperson, Mr President. But if it is every persons' benchmark I do not have a difficulty.



PRESIDENT: Well, I am sure that that will get a fairly decent exposure during the course of the submissions. Well, that being the case Mr Vines, I think you are now ready to take strike.

MR VINES: Thank you, Mr President. Mr President and members of the bench, as Mr O'Brien has indicated there has been discussions between the recently reformed combined public sector unions group which is now formally a subcommittee of the Trades and Labor Council. That meeting has agreed, sir, that the PSA will put submissions, agreed submissions in relation to the three streams that we are principally involved in; that is the admin and clerical, the technical and professional and then Mr O'Brien will then put submissions to the commission in relation to the fourth stream, the operational services stream.

It is our intention, sir, to go through the first four - my intention is to go through those first four questions and discuss in some detail the proposals that we have before the commission in relation to the four stream awards and, as I say, Mr O'Brien will follow up in relation to the other matters.

Sir, the TTLCs and indeed our claim on the commission is as has been tabled previously. To save the need for us to sort through that document through these proceedings we will have further exhibits to present which might make it a bit easier for the commission, where we have dissected that document.

The first issue that the commission sought to be addressed on was to the extent to which existing awards are to be absorbed into or mirror the proposed stream. The PSAs proposal or the TTLCs proposal, I should say, is that we establish four model streams; the admin and clerical stream, the technical stream, professional stream, and the operational services stream. They, of course, to be based on the information that has already been presented to the commission.

As part of establishing those streams what we would see in terms of the implementation of it is that some existing awards would be retitled and then the relevant model stream or streams would be inserted into those awards to the extent that in some instances there may well be two scales that operate in awards; the scale as it currently stands then the new four stream, whichever one is applicable, through a transition period until all people are classified across.

We would obviously need to confer with the commission on the most appropriate way to do that and that would be largely determined, I suppose, by what we do in the sense of time lines with this whole exercise with translation from current scales onto the new streams, the abolition of awards, et cetera.

The proposals that we have to kick start the four stream proposal, if you like, to allow somewhere for those four streams to go is that in the first instance award S081, the clerical award, would

be retitled: The Administrative and Clerical Employees Award. The S120, Scientific Officers Award would be retitled: The Scientific and Professional Officers Award.

That award, as the commission would be currently aware, has a range of professional classifications in it already. It has scientific officers, geologists and several others. We would be proposing that that would be the or could become the omnibus professional award, if you like, which as we will go into more detail shortly, would cover a range of professional groups.

PRESIDENT: The title of that one again?

MR VINES: Scientific and Professional Officers Award. Award S135 -

COMMISSIONER WATLING: So you decided to go back to the word, 'officers'?

MR VINES: Oh, sorry sir, employees award I think it is under the Act now, is not it? So it would be: Scientific and Professional Employees. Award S135, the Technical Employees Award there would be no need to retitle that as that is one of the names that we have picked up for one of the four streams. And award S086 - and this covers our area, or PSA area principally - the General Officers Award would remain as it is but it would incorporate the new operational services scale.

So that under the proposal as it relates to our award that would continue to be called the General Employees Award, sorry, but it would incorporate the new or the proposed operational services scale. We do not envisage that immediately there would only be four awards. We would anticipate that for a variety of reasons some of the other existing awards would continue.

With those awards that would be retained, as I indicated before, we would see that firstly the new structure or the new streams could be progressively incorporated into those existing awards in lieu of the structures but for a transition period they may well run in conjunction until the translation of employees from one scale to the other has been completed. What I would like to do is take the commission through how we would see that applying for each of the four streams.

COMMISSIONER GOZZI: Mr Vines, just before you do go on, just so we are all clear, in respect to those four awards do you see the appropriate scale come out of the model award?

MR VINES: No, there would not be - what we would say, sir, is the stream would be inserted into each of those four awards, into the appropriate one of those four awards.

COMMISSIONER GOZZI: In toto?



MR VINES: In total, right.

COMMISSIONER GOZZI: Yes. Okay.

MR VINES: And then that would become the, for the want of a better word, the model award if you like. But rather than going through the process of -

COMMISSIONER GOZZI: Right.

MR VINES: - creating new awards we would be saying to the commission to retitle existing awards and insert the new stream.

COMMISSIONER GOZZI: Alongside the existing classifications?

MR VINES: Yes, that is correct.

COMMISSIONER GOZZI: Yes.

MR VINES: For a transition period.

COMMISSIONER GOZZI: Fine.

MR VINES: In relation to the administrative and clerical stream, as - no I do not need that yet - in relation to the admin and clerical stream, as I indicated before, we would see that the first step would be to retitle the current Clerical Employees Award and insert the new scale. We would then propose that we would work through other awards that have the clerical or related scales and to then determine their future as to whether those awards could be abolished or whether for some reason there was a need to retain that award, and if there was a need to retain we would put the scale into that award.

That would particularly apply in those awards where the Minister administering the State Service Act is the respondent, because clearly we cannot - or there would - it would become too complex to have in some of those salary awards more than one employer respondent.

In the first instance we would see a very high priority being given to the abolition of the Keyboard Employees and Office Assistants Award. That has been a position of agreement between us and the government and indeed the government has continually agreed or signalled that it is their intention to do so. If I could just quote from TTLC exhibit 3, which was tabled in - at proceedings here on 16 July, in relation to the agreement that we reached last year. And it states that:

The unions cooperate with the interim establishment of the senior executive service and the legislation to formally establish the senior executive service on the indication from government that it is their intention with respect to the Keyboard and Office



Assistants Award that (1) It is the government's intention with respect to that award in the process of award restructuring within the Tasmanian Public Sector that that award will be amongst the first to receive attention and, (2) it is the government's strong desire and intention that action with respect to employees within that award be undertaken prior to the implementation of any legislation with respect to the SES.

That is - end of quote - as I indicated it is our high priority to see the abolition of that award.

It is probably the worst case of what has become known as a ghetto award that exists within the State Service. The people who are employed under that award are predominantly women. They are in an award that provides for them no proper career opportunity and we find that once people are classified under that award it is extremely difficult for them to achieve promotion outside that award.

We would see that as well our priority being given to as well as the abolition of that award, that in other awards that incorporate the keyboard and office assistants scale that those scales would be deleted and that employees be translated to the appropriate level within the administrative and clerical stream. And I will come to that, what we see the appropriate levels as being, shortly.

PRESIDENT: What sort of awards would those provisions be in?

MR VINES: In -

PRESIDENT: Sort of -

MR VINES: - in many - in the predominantly in the statutory authority awards, other awards which we will -

COMMISSIONER WATLING: Museum and Art Gallery.

MR VINES: Yes, Museum and Art Gallery, Grain Elevators Board.

COMMISSIONER WATLING: Water Board. Mr Jarman ...

MR VINES: Oh, it is changed now, sir, it is well and truly under the State Service Act, now.

COMMISSIONER WATLING: And the Water Board type awards?

MR VINES: Yes, although those awards would need to be retained because they are a separate employer.

COMMISSIONER WATLING: Yes. But you are talking about the principle, are not you?

MR VINES: That is exactly right, yes. And other awards, for example, the Grain Elevators Staff Award is one that we propose be abolished. But if it was to be retained we would see the abolition of that scale from it. So, that as you say it is the principle issue with it. Similarly we would see that clerical assistants scale being abolished, the clerical assistants scale within the Clerical Employees Award being abolished in that award and in all other awards and that that scale be replaced by the appropriate levels of the new administrative and clerical stream.

The clerical assistants scale is very similar to the keyboard and office assistants and in our view has no place in modern - in modern awards. Similarly the clerical scales in other existing awards would then be progressively deleted. In those awards the new scale would be inserted and the translation would be undertaken. For example, those water board awards, the Southern Regional Cemetary Trust and other awards of the like.

All - the result of that would be that all clerical - and I use that as a fairly loose term - all clerical employees would be covered by the new stream either within the retitled clerical and administrative award or alternatively within their current award but with the new structure that equates to the clerical stream, clerical and admin stream.

In relation to the technical stream we would propose that the new technical scale, technical employees scale, be inserted into the Technical Employees Award and then similarly we would implement that scale where necessary into existing awards with technical scales. So again to use the example of the Water Boards Award where that currently has a scale equivalent to some parts of the Technical Employees Award, we would see that scale being replaced by the new technical stream scale.

There would also be the ability, particularly with this award, to abolish a range of existing awards. For example, the Draughting Officers Award. But what we would seek to do is to change the scope within the new Technical Employees Award to modernise the scope to ensure that it is wide enough to cover all but the statutory authorities where the Minister administering the State Service Act is not the employer.

PRESIDENT: Have you got a proposed scope clause for these new awards?

MR VINES: Yes. We have one in the development stage. It is a very simple one and it would basically just be the same as, for example, what is in the current Clerical Employees Award. Where we just refer to those employees whose classifications covered by the award -

PRESIDENT: Yes.



MR VINES: - employed by the Minister.

PRESIDENT: Yes, I recall it well.

MR VINES: Sorry?

PRESIDENT: I recall it well.

MR VINES: I am pleased, sir. Progressive - we would then seek to progressively translate employees from the old scale or the old structure onto the new scale and then within time at the end of the transition period abolish the old scale. Those awards where for various reasons it would be necessary to retain, again, similar to the clerical structure, we would see that the new scale would be inserted into the existing award and then people would progressively translate across. In relation to the professional stream, as -

PRESIDENT: Excuse me, Mr Vines, you will be going further in detail on it as to the number of awards you -

MR VINES: Yes, sir.

PRESIDENT: - anticipate will be subsumed by technical?

MR VINES: In relation to the professional stream, as I indicated, we have proposed to retitle the current Scientific Employees Award to the Scientific and Professional Employees Award. We would also need to alter the scope of that to incorporate a range of other professional occupations and there would be a need to review all existing awards that include professional scales in them. And we will go into more detail on that shortly as well.

On a similar basis to what we have proposed in the admin and the technical area we would abolish where appropriate the existing awards and translate those employees onto the new Scientific and Professional Employees Award. The alternative to that is where we are retaining existing awards we would insert a new structure into those retained awards and that structure, as we have indicated before the commission, we would see it being common at levels 1 and 2 but then potentially variations at level 3, 4 and 5. And I will also go into that in more detail.

There is a slight exception to how we would see those three streams translating and that is in relation to the Hospital Employees Award area. What we are proposing there is that the Hospital Employees Award would be retained, that we would see that it would be extended, if you like, to cover all employees within hospitals - within public hospitals, except professionals. We would propose that the new admin and clerical stream, the new technical stream and the new operational services stream would be incorporated into the Hospital Employees Award and the necessary changes undertaken to the scope clause in that award.



That the professionals, in the main, would be translated to the Scientific and Professionals Employees Award. Some of that will depend on the special case, because several of the special cases that we have before the commission relate to health professionals. As we have proposed in others, the new scales could run in tandem with the old scales until the translation was completed at which time the existing structures would be deleted.

COMMISSIONER GOZZI: Mr Vines, just before you do move on. I think it is probably better to pick these points up as we go along.

MR VINES: Yes, sir.

COMMISSIONER GOZZI: You have made reference to special cases and depending on how the outcome of those cases and how that will impact in respect of who goes where in the professional area and particularly with respect to what may be retained in the Hospital Employees Award and what might be shown in the new Scientific and Professional Employees Award that you are proposing. Now, I am not clear what you have in mind in respect of those special cases. The commission - the bench, rather, has indicated that from its point of view that will be a matter of classification standards being developed and classifications being assigned.

Now, do you still have in mind a different process to that? I pick it up with you because you said, depending on the outcome of the special cases?

MR VINES: Yes. There is no doubt at all, sir, that the special case issue is an important one and when you said you are not sure what I had in my mind in relation to them, I almost intervened and said, the feeling is mutual. The - our understanding on it, Mr Commissioner, is that the decision that - the latest interim decision has said that it is anticipated that they will be accommodated within the general submissions within the general consideration of this claim and that there should not be a need to pursue those as individual special cases.

It, on reflection, would be our preference that that indeed be the case. However we would I think indicate to the commission that we have claims in relation to those, that if at the end of the day it is acknowledged that they cannot or have not been accommodated within the general case, that we would possibly to run separate work value related argument at that time. However, I will indicate that it is our preferred position to get it all knocked off in one hit.

COMMISSIONER GOZZI: All right. So you are really saying that if it turns out that the parameters of the award -

MR VINES: Are insufficient to cover the work value.

COMMISSIONER GOZZI: - are insufficient then you want to exercise your right to come back in respect of those particular awards.

MR VINES: That is correct, sir.

COMMISSIONER GOZZI: Right. Well, I understand that.

COMMISSIONER WATLING: But you should be addressing those during the course of your submission.

MR VINES: Yes, that is right.

COMMISSIONER WATLING: So, therefore your argument in relation to coming back to extend the paramaters should not be an argument because you are - I would certainly strongly suggest that you do it during the course of this case so everyone knows where you are coming from so they can respond appropriately.

MR VINES: Oh, yes definitely, Mr Commissioner, that is what our intention is. The only thing is, and it is a reservation that we have expressed in the past, that in most of these cases there are very widespread changes in work value which could potentially need inspections, they could require detailed evidence to be presented by witnesses and all the rest of it. What we are going to - and what I understand the decision to be is that we try and get it resolved through the general award restructuring without the need to go into that detail.

COMMISSIONER WATLING: Yes, slot them in, yes.

MR VINES: But it may well be recognised at the end of the day that it is just not possible to accommodate it that way.

PRESIDENT: One of the problems with that Mr Vines is that presupposes that the streams we will develop are not appropriate for the -

MR VINES: No, it does not - it does not presuppose -

PRESIDENT: - for the system.

MR VINES: - that. It - we are going in on the basis that, yes it will all be fixed up but at the end of the day it could be just such a mess where it is recognised that the only way it can be fixed up is to -

PRESIDENT: I think it is important that you do as the commissioners have suggested, and that is make it very clear as you go through your submissions which areas you feel require that special attention so they can be ruled upon and determined -

MR VINES: Oh, most definitely we will, Mr Commissioner - Mr President. What we will be doing is in relation to each of those special cases is giving an outline or quite a detailed outline of



the principal arguments that we have in relation to work value changes. It was not my intention to build that into the submissions I am putting to the commission today.

What we are seeking to do firstly is to address those points that are in the document and then I will come back and go into quite some detail on the special case areas. Because clearly with 13 of them it is going to take some time and I am quite sure that my colleagues sitting behind me have got better things to do than to listen to arguments on dental therapists.

PRESIDENT: Yes. And I think I should make it fairly obvious to you that the bench believes that the - whatever streams are determined should be capable of accommodating all the possibilities that you are concerned about.

MR VINES: I understand that, sir, and indeed I - we hope that is the situation as well because, indeed it would - that would need to be the outcome if the streams are going to be able to operate. Because it is not much point us creating streams if they do not cover the people there that they are meant to cover.

PRESIDENT: Quite so.

MR VINES: The question that Commissioner Gozzi asked before in relation to the fate of particular awards. If I could hand up an exhibit or an item for information, whichever the commission would prefer to call it, because rather than me reading 352 awards and you all having to jot them down it may well make it easier to - if I quickly go through them.

PRESIDENT: V.6, Mr Vines.

MR VINES: V.6. Mr President, this document outlines those awards to which the PSA is a respondent and one award to which we are not which is the last one, the Professional Engineers Award. Those awards that have an asterisk next to them are those awards to which there are more respondents than us.

The general approach that we have taken here, Mr President members of the bench, is to abolish as many of our current awards as is in the first instance practicable. Out of the 53, indeed we are proposing that we abolish 28 of them, that we retitle 3 of them, we change the coverage of 4, and we retain 18 of them.

There is a range of reasons for those, primarily any award to which the Minister administering the State Service Act is not the respondent we believe it is unfortunately necessary to retain them because generally they are awards that are quite different to the other public sector awards and we believe that by having a range of employers respondent to, for example, the Clerical Employees Award is just going to make it more difficult from an administrative point of view if nothing else and for processing that award before the commission.



The - if I can just quickly run through the - Mr President, the other exemptions to the general rule, if you like, is in relation to those awards where we currently have special case applications. We are proposing at this point in time anyway that they be retained. Yet that could vary through proceedings. To quickly run through those, sir, Agricultural Officers Award - that should be Employees Award, we propose to abolish that and for those people to be covered by the professional stream.

The architects for whom there is a special case application, in the first instance we would see as retaining. Keyboard and Office Assistants -

PRESIDENT: So, we can put a question mark against that.

MR VINES: - Keyboard and Office Assistants Award we would abolish and that would go to the clerical - admin and clerical scale. The Clerical Employees Award would be retitled admin and clerical. Dental Officers, we would propose to retain because that in the first instance is not easily going to fit in to our professional structure. The rates that are paid to dental officers are significantly higher than most of the other professional groups and we will need to give further thought to exactly what is going to happen there.

We do not have claim in at this stage as to what will happen with the Dental Officers Award. Drafting Officers, it is proposed that we would abolish those - that award even though there is a special case in for that. We would anticipate that regardless of the outcome there that there would be no need to continue the Drafting Officers Award and so it could be incorporated into the Technical Award.

The Foresters Award similarly could be abolished and those people covered by the Professional Award. General Officers would be retained with the Op Services Scale being inserted into it. The Governor of Tasmanian Staff Award we would need to retain that, but each of the scales as appropriate would be inserted into that award.

The Grain Elevators Staff Award we propose to abolish that given that that is now part of the State Service and that the admin, clerical and technical scales - the people would be translated to the admin and clerical or technical awards. The Heads of Agency and Principal Managers Award we would similarly propose that that could be abolished in view of the current agreement of the - relating to senior executive service and the chief executive officers which, as we have indicated before and the government has similarly indicated, in those proceedings there will be at some stage an application for an award to cover those people.

Health Inspectors Award similarly can be abolished and people covered under the admin and clerical award. The Herd Improvement

Staff - Board Staff, the Herd Improvement Board no longer exists so it is probably appropriate that we delete it and any leftovers of those staff who have been sent off to other areas could be covered by one of the other principal awards.

Similary, the Hobart Regional Water Board is now part of the State Service, there is no need for a separate award for that one. Hospital Employees Award we would be retaining, extending but the professionals to be placed eventually on a professional award but in the first instance maintained under separate professional awards.

The Hospital Scientists Award is a special case one that we would propose to retain in the interim. Inland Fisheries Commission Staff Award can be abolished, they are now employees of the Department of Primary Industry. The Junior Employees Award has not been used for some time and this is probably an exercise where we can - that we can use to abolish it. The Legal Practitioners and Apprentices at Law falls into a similar category as the Dental Officers inasmuch as that legal practitioners are on a scale which does not easily fit in within the professional scale. So we would be keeping that as a separate award.

Librarians and Archivists we propose to abolish and have those people covered under a professional award. Medical Practitioners, for the same as legal practitioners and dental officers would need to be retained. The North West regional Water Authority Award at the moment -

COMMISSIONER WATLING: Medical practitioners are not part of this exercise anyway; are they?

MR VINES: I do not recall, Mr Commissioner, I think -

COMMISSIONER WATLING: They are not.

MR VINES: - I think that might have been taken out in the very early stages.

COMMISSIONER WATLING: There is a separate -

MR VINES: Yes, that is right.

COMMISSIONER WATLING: - structural efficiency exercise going on at the moment in the -

MR VINES: That is correct, yes.

COMMISSIONER WATLING: - Medical Practitioners Award.

MR VINES: Yes, sir. North West Regional Water Authority Award, we propose to retain that but have the - all four of the streams included in that award. However, it is my understanding that that authority is soon to come under the State Service Act, so we will



be coming back to the commission with the objective of deleting that.

The Officers of the State Fire Commission Award would need to be retained in part but with some of those people being covered by the admin and clerical, technical and general officers award. Parliamentary Staff Award is a separate employer, we would retain that but put the new scales into the award. The Pharmacists would be retained on an interim basis as part of the special case proceedings.

Physios, Occupational Therapists and Speech Pathologists would no longer - the award could be abolished and covered by the general professional award. The Police Departmental and Road Safety Officers Award similarly could be abolished with those people being covered by the technical and general officers awards. The Prison Officers Award would - could be retained, however part of our submission to you in relation to our special case application on prison officers would be that the Chief Prison Officer and above go to the admin and clerical award.

Psychologists are a special case as are Quantity Surveyors so we are proposing in the short term to retain them. School Dental Therapists, even though they are a special case - part of a special case proposal is that they will go to the new technical scale, so we propose to abolish that award.

PRESIDENT: And quantity surveyors?

MR VINES: Sorry, same category as psychologists.

PRESIDENT: Yes, sorry.

MR VINES: The Schools Board Staff Award is now part of the State Service Act, that can be abolished and those people are covered under the admin and clerical scale. The Scientific Officers Award we have already covered, but that would be retitled. The Sea Fisheries Staff Award can be abolished, that is now part of the Department of Primary Industry. The Social Trainers Award, similarly could be abolished. Some of the employees covered by that award could be covered by the General Officers Award others could more appropriately be covered by the Welfare Workers Award, which I will come to shortly.

The Southern Regional Cemetery Trust is a separate employer. We would propose to retain that but include the new scales in that award. Survey Officers Award would be retained for the - under the - its special case category. However, we would propose that eventually the people under the Survey Officers Award could be covered by the professional award, those professional surveyors. That the field - the survey assistants could be covered by the technical award and the field assistants could be covered by operational services stream.

The Tasmanian Dairy Improvement Authority could be - that is now part of the Department of Primary Industry, it could be abolished and those people covered under the admin and clerical and professional streams. The Gaming Commission similarly could be abolished and their people covered under admin and clerical. Education Media Services Staff could be abolished and covered under technical. Tech Foresters Award could be abolished and those people covered under technical. And the Technical Employees Award would be retained and re - well, obviously that would be the new technical scale.

Valuers Award are covered by a special case, as are Veterinary Officers. The Welfare Workers Award is probably out of all of the special cases that we have before the commission the most complex and I think the whole of the full bench would recognise that. What we are proposing there is that at least in the short term that that award be retained. Arguably the people employed pursuant to that award could be covered by the operational services and professional scales. However there may be an argument that some of them can also be covered by the admin and clerical scale

In the main though we would see that the op services and professional would cover them. However, what we would propose is that at least until that is all sorted out that that award be retained. The Sport and Recreation Officers Award can be abolished -

PRESIDENT: Do you think that is capable of being sorted out in this examination? I would have hoped we could do something -

MR VINES: We will be seeking to do that, Mr President, but that is one of the ones where indeed the bench may say that it is more appropriate that we go in and really have a good investigation of that award because it is an award that is - that is just a shocker of an award.

PRESIDENT: Yes. Yes, I agree.

MR VINES: I would hope that we can get it resolved as part of this because clearly the general scales that we are proposing those people could be put into it but there is all difficulties with range of qualifications that are held. The very little differentiation between the work that somebody with qualifications does and someone without qualifications does. That is one that needs some very serious examination.

PRESIDENT: Yes, thanks.

MR VINES: Sport and Recreation Officers Award can be abolished and those people covered under the professional stream. The TMAG Award, we are going to do this the easy way and abolish it, hopefully with a stroke of a pen and the people under that award could be covered by the 4 streams. The Tourism Staff Award,



tourism is going back to its old status as a full on State Service department with the same provisions as all other state servants so there is, in our view, or there will not be any longer a need to continue a Tourism Staff Award, those people can be covered by admin and clerical and their particular conditions of employment can be adequately catered for by insertion into the General Officers - the General Conditions of Service Award.

The Port Arthur Authority Award for the short term would need to be retained as that at the moment is largely outside the State Service Act. And the University of Tasmania General Staff Award would also need to be retained as that is outside the State Service Act.

In relation to registered agreements that the PSA is a party to, the Government House Drivers Agreement, we would propose to abolish that and incorporate that with S087 which is the Governor of Tasmania Staff Award. There is no point having a separate agreement for those few people. The Mines Department -

PRESIDENT: Have you had discussions on that sort of thing with Government House Authority?

MR VINES: Yes, there have been some discussions on that, sir. The Mines Department Drillers Agreement could similarly be abolished and those people covered by the General Officers Award which will have the op services scale in it. And similarly with the Ministerial Drivers Agreement in our view that could be abolished and covered by the general award as well.

The APEA, sir, have in discussions with us also asked us to include their award on the list so that S113, the Professional Engineers Award, would be retained. The reason that we would seek to retain that is that it goes along with part of the national wage case decision of 1989 in rationalising union responsibility, if you like, and to include that award with the others it means we just bring another party into all of the awards. There is only one party to that award and it is easier and probably more rational to keep it as a discrete award. In summary, Mr President, the -

PRESIDENT: So this is - you are not - PSA is not party to the Professional Engineers?

MR VINES: No we are not, no.

PRESIDENT: It will really be up to Mr Pyrke to -

MR VINES: Oh, the submissions that I am putting to you are those that have been agreed by the CPSU, if you like, sir. And that the APEA have asked us to include that on their list in relation to it. In summary, Mr President, I think we have - our proposal achieves an enormous amount in trying to rationalise state sector awards. As we have indicated there would be the immediate

abolition of 28 of those awards with, I think, about another 15 of them possibly to follow. There would be altered coverage for 4 of them. We have retained 18 of them and we would retitle 3 of them.

The philosophy of the 4 stream proposals, Mr President and members of the bench, if I can just take some time to work through that. As the bench has heard on many occasions over the last two years, indeed it is two years almost to the day that the PSA first published the 4-stream proposal in its prestigious journal. The 4-stream proposal is based on a national plan that has been developed by our federal body, The State Public Services Federation, and that 4-stream proposal is being pursued in each of the states with varying degrees of success by the PSAs in those states.

I can report to the commission that it has now been accepted and endorsed in both the South Australian public sector and the Queensland public sector. The objective of the plan when we created it over two years ago when we first sat down and started working on it was to develop similar classification structures in all states thus developing a consistent national framework for state governed employees.

The reason we took that line was that our view is that state sector employees in this state do the same work and are virtually no different to state sector employees in other states, that in our view the - it is the simplest way to look at public sector employment is to look at what we see as the four fundamental types of labour or divisions of labour within the public sector.

We have seen those four divisions of labour as the admin and clerical, professional, technical and the operational services and have established a stream for each of those. The aim of establishing those streams is to ensure that those people who do like work at like levels are classified in a like manner. There is in our view no need to maintain separate specific structures for different occupations involved in very similar pursuits.

The broader generic streams that we are proposing to enable those performing similar work to get similar rates of pay and be classified on a consistent basis. They will also, and this we see as the fundamental part of our proposals and it goes to what Mr Hanlon was saying about workplace reform, will provide for a much broader range of work to be done by people, a much broader range of work to be done within each of the streams and therefore we believe will lead to a fairly significant reduction in artificial demarcations between occupational groups.

The significant or the underlying basis of our proposal, of course, is particularly in the operational services, admin and



clerical and technical streams, is to broadband the classifications that currently apply within the state service. If I can take the commission through some issues on broadbanding and the basis that - on which we see it working.

I have a series of exhibits which I am seeking - which I will seek to use to demonstrate to the commission the background of the broadbanding and give some detail to the perceived and, indeed in many instances, agreed outcome of broadbanding.

PRESIDENT: V.7, Mr Vines.

MR VINES: This first document, V.7, is a relatively old one now, sir, and it relates back to that other wonderful wage fixing system we had known as the two tier wage fixing system. This agreement saw the introduction of what we are seeking to do in the state public sector into the Commonwealth public sector some four or five years ago.

The second tier agreement between the then Administrative and Clerical Officers Association and the Commonwealth government went into some detail as to the benefits of what the union and the federal government were trying to achieve. In particular if I can refer the commission to page 11 of that document, it is actually about the fourth page fifth page in, where it is a summary of the actual agreement or it is some detail of the actual agreement, I should say, between the ACOA, the APSA and Federated Clerks Tax Office Branch with the federal government.

It - on that page 11 lists a range of issues it sees as coming out of the broadbanding and the restructuring of their awards. These are agreed issues that will in - that was envisaged would be overcome by the introduction of proper structures in awards. The sorts of things that they were talking about overcoming were overcoming: narrow range of skills and experience, overcoming; unnecessary levels of decision-making and control. Doing something about a: lack of distinction between grades; rigidities in job structures; inappropriate demarcation of work; the high absenteeism and high resignation; the lack of mobility and flexibility in the use of staff; the high rate of RSI; the boring and repetitive work; the sex segmentation of the workforce; union demarcations; and difficulties in recruiting particular classifications.

In our view, Mr President members of the bench, each of those issues apply equally within the state service and they are equally the sorts of issues that we are trying to overcome. On page 13 -

PRESIDENT: How are you going to overcome the boring repetitive work?

MR VINES: By redesigning jobs, sir, so that you do not have one person doing boring repetitive work for 36 and three quarter hours a week, that that becomes one of the components or some of those

tasks become the components of their work but three jobs redesigned we are endeavouring to -

PRESIDENT: Share it around?

MR VINES: Well, to share it around and to get rid of the boredom associated with it. Any task as long as they are - it is properly designed and it has other components to it in our view can be made interesting work and work that people can get satisfaction out of.

COMMISSIONER WATLING: Should we include the second point on the top of that page, because you have asked us to exclude it?

MR VINES: Sorry, sir.

COMMISSIONER WATLING: You are telling us now that this fixes the problem of demarcations but we have heard numerous arguments in the past as to why we should not involve ourselves in this nor the government involve itself in it.

MR VINES: Well, in relation to union demarcations I think that is something that in the first instance is best handled by the union movement. I believe that the submissions that will be put to the commission today in relation to - or over these next few days in relation to what the unions are doing about, indeed that list of awards we have just gone through, that the impact that is going to have on award responsency shows that they are issues that are being adequately handled by the unions themselves.

COMMISSIONER WATLING: I only raised it because you are obviously trying to convince that - through the course of your submissions that through restructuring and doing what you want us to do that it has an affect on all these things and I was interested in relation to the union demarcation questions because of the stance that the unions had taken in this area when it was raised before.

MR VINES: Yes. Yes, no the stance the unions have taken is who sorts it out; is it the union, is it the employer, is it the commission? And our position continually has been that in the first instance it should be the unions who sit down and try and do it. And indeed the discussions that have been held by unions over the last six months or so in relation based on award restructuring and then the consequence of award responsency, I think is showing an enormous amount of .... and maturity on behalf of the union movement where we are getting these problems sorted out and in a way that is acceptable to all of the people involved rather than having matters imposed on the unions. And I think that that is something that particularly has been successful in relation to all of these discussions.

On page 13, Mr President and members of the bench, again - and I will not go through all of these in detail - but item 24 of the agreement: Benefits of and Savings from Restructuring and again



these are very much on par with the improvements that we are seeking to make to our awards that the restructuring primarily sets out to improve jobs which in turn leads to productivity gains and increased efficiencies.

The sorts of things are more highly skilled and experienced staff that you are able to retain; better use of the staff through multi-skilling; greater capacity to deploy flexibly; greater opportunities for rearrangement of duties; increased job satisfaction and the consequential improvement on work performance. Improved management and decision-making processes; increased benefits from technological and organisational change; improvements in service delivery; improvements in the collection and protection of revenue. I must admit that is one I put a question mark to I am not sure what that actually means.

The demarcations again through redesigned jobs and multiskilling; technology; reduced cost of HDA - which is one that has been recognised already by the parties - reduced administration costs through HDA; reduced administration costs through promotions and appeals which we believe in their own are going to be quite significant if our proposals are accepted.

Reduced costs in salary payments administration; improvements in health and safety; RSI saving; more efficient classification processes and decisions; reduced staff turnover; increases in efficiency and productivity, and each of those has been gone onto in quite some detail. They are the sorts of benefits that we believe can come out of the structures that we are proposing.

Our submission that we are about to go into detail to we believe are precisely as were envisaged within the February 1989 review by the federal industrial commission and I have copies of what I am quoting if the bench would want those, of whether you have your own copies there.

PRESIDENT: The '89 -

MR VINES: The February '89 review.

PRESIDENT: - full bench decision? You had better tender them I think. We will mark this V.8.

MR VINES: The - I have only put in there the bit that relates to that part of the decision I was referring to, sir, but it tries to draw together what we are seeking to do and how that fits in with what the federal commission has been looking for. And I refer to the part of the decision on page 4 under: Classification Structures and Related Matters heading where the bench says that:

We agree that, where necessary, the number of classifications in an award should be reduced. The purpose of such process should be to provide for clearly defined skill levels, broadbanding of

functions and multi-skilling. However, it would frustrate the purpose of the structural efficiency principle and impose rigidities in work arrangements if a classification structure were to be created based on narrow -

definitions -

of skill. The range of work functions to be performed, and the skills required, must be the determinant of the appropriate number of levels in a classification structure.

And then it goes on to say that they do not necessarily propose that six or eight will be appropriate in all cases. However, what we will be seeking to do is later show the commission that it will be in our case.

The - if I can just keep going through some of these exhibits, sir, to give some substance to what we are proposing - I will leave that one.

PRESIDENT: V.9.

MR VINES: V.9, Mr President, is a an extract from what I think is noted as one of the major authorities in terms of books on award restructuring and it is the book so titled by J.J. Makin. In this book Makin spends some time referring to all of the issues associated with award restructuring particularly as is relevant to what we are proposing, the career path formation and broadbanding part of it.

If - I do not clearly intend to go through this whole document, sir, but I would recommend it to the bench for reading. If I can just briefly quote just from two paragraphs of it starting on page 67 where it says that - and this relates back to the August '88 decision of the Australian Commission which set this whole process in train:

It was also recognised that the only way flexibility and job satisfaction could ultimately be achieved was by the broadbanding of award classifications so that they would reflect a general level of skill rather than a particular skill attaching to the performance of certain work. Not that broadbanding was anything new in industry it had become a feature of award regulations from the mid 1970s. What was new was the concept that broadbanding could be done in such a way that an employee could be skilled in a large number of related and sometimes unrelated trades to such an extent that the range of work performed would be much more general than was the position in the past.



I then skip a para:

As part of the new thinking stemming from multi-skilling and broadbanding there developed the concept that such broadbanding should lead to clearly defined career paths being constructed and that there should be incentives for the acquisition of new skills to enable such career paths to be followed to their conclusion. It was never the understanding of the unions that structural efficiency principle should lead to a classification structure based on narrow divisions of skill. It was understood always that the range of work functions to be performed in any multi-skilling arrangement as well as the skills required ought to be the determinant of the appropriate number of levels in any broadbanded classification structure. It was also understood by the unions that the structural efficiency principle represented changes in fact and not merely changes in award prescription. It involves therefore real changes in workplace practices not only on the part of employees but also on the part of management.

There are other parts of that chapter, sir, that go on to relate to what should be sought to be achieved out of broadbanding and rather than taking the commission's time in reading through all of those, as I indicated before I commend that as a summary of what broadbanding is seeking to do and would submit to the commission that indeed what we are seeking to do meets the issues that Makin, has raised.

The Commonwealth Department of Industrial Relations has written a great deal on award restructuring particularly as it relates to multi-skilling and broadbanding. The DIR has put out, as I say, several publications and again I wish to quote from a couple of those. It must be remembered, of course, that the whole concept of this wage fixing system was developed between the federal government and the ACTU and later endorsed by the federal commission.

And I think the issues that are raised by the federal Department of Industrial Relations must be taken into consideration. And, again I would submit that the PSAs 4-stream proposal is on all fours with what the federal government has perceived by award restructuring.

PRESIDENT: V.10, Mr Vines.

MR VINES: Sir, V.10 is an extract from one of the many reports prepared by the Department of Industrial Relations, this one is on the Report on the Operations of the Restructuring and Efficiency Principle, printed in Canberra in April 1990. On page 14 of that

report it relates under the heading of Flexibility in Use of Labour, Broadbanding and multiskilling, award restructuring and career paths and it then goes on to relate the experiences both within the public and private sectors.

And it is interesting to note, sir, that the intro para there says that: Out of the 241 second tier decisions - or, sorry:

There were 241 second tier decisions ... relating to broadbanding and multiskilling.

It relates there firstly to the Telecom clerical officers' agreement which proposed:

... the integration of 50 classifications into a single structure of six levels ... an essential element of the new integrated structure was the development of position classification standards. Mandatory qualification barriers to appointment and promotion within the structure would be abolished and emphasis was to be placed on training and development programs to prepare employees for a multiskilled workforce.

Multiskilling, a key element of integration, was to be achieved through flexibility in task rotation across positions, job rotation and training programs and the design of multifunctional jobs. Importantly, people who were trained to perform a multifunctional role but who did not do so, would not be entitled to expect automatic advancement through the incremental range of the classification.

In the Australia Post clerical agreement the - again there was based on significant changes to their awards primarily surrounding multiskilling and broadbanding of the clerical positions; the clerical structures.

The Australian Public Service agreement is referred to on page 15 where it indicates at the fourth paragraph down that:

The agreement included job redesign principles, the purpose of which was to not only improve the quality of work life for staff but also organisational efficiency and productivity. Job redesign would broaden and enhance job content through a variety of tasks using a range of knowledge and skills.

The - that part of the report then also goes on to show how not only has it been proven to work within the public sector but that it is similarly being used in the private sector and they relate the Alcoa Point Henry agreement which similarly reduced the number



of classifications and job functions and over on page 16 relates to the Mitsubishi clerical agreement which achieved similar benefits through award restructuring based on multiskilling and broadbanding.

The next document that I would like to refer to, Mr President, is another DIR publication -

PRESIDENT: V.11.

MR VINES: - this one is one of a series that the DIR has published on workplace reform. And, indeed, the whole of the series again I would commend to the commission to read. In relation to this one, this is called: Building and Rewarding Skills, A Practical Guide to Workplace Reform.

The - this publication on the - on page 6, although it's the second page of the exhibit, shows the - refers to the structural efficiency principle and how there still appears to be some confusion amongst managers and employees alike as to the application of this principle and the - and the introduction of award restructuring.

It goes down and, indeed, these are taken from the federal decision. It indicates the areas that should be considered as part of the award restructuring process. And again this relates back very clearly to what we're seeking to do on broadbanding. It's establishing skill-related career paths which provide an incentive for workers. But it eliminates impediments to multiskilling. It creates appropriate relativities between categories of workers.

It ensures that working patterns and arrangements enhance flexibility. That addresses cases where award provisions discriminate against sections of the work force, and includes fixing proper minimum rates for classifications in award.

It goes over, on page 7, in the middle of page 7, to indicate what the real problem with the current situation is and how it's developed. Where it says that the way awards were put together in the past imposed -

PRESIDENT: What's the date of this document, sorry, Mr Vines?

MR VINES: This was 1991 as well, Mr Commissioner. I'm sorry, but I don't - Mr President, I don't have the exact date on that. I can get that and advise the Bench.

PRESIDENT: This - this year some time.

MR VINES: Sorry, it was either this year or last year - '90 or '91. I can that date for the Commission.

In the middle of page 7 it says that the - as I was saying, it relates to how we've got to this situation that now needs to be remedied. The way awards were put together in the past imposed various restrictions on the kinds of jobs and tasks people were allowed to perform. Award classifications were often narrowly task specific and the numerous demarcations presented barriers to redesigning work or grouping jobs and tasks differently.

Because award restructuring means a sharper focus on skills it will encourage multiskilling and create more work force flexibility by moving away from narrow task-based job categories and gradually replacing them with more broadly defined classifications based on skill. It, over on page 14, relates to the good old problems that have been associated with a move towards tailorism over the last many years, and it has shown that this has built up and, indeed, it is very much reflected within the State Service of Tasmania.

But the current form of work organisation has meant boring and repetitive jobs with little challenge, fragmentation with people only performing bits of a whole job, dead end jobs requiring little or no skills. Having little say in how to do the job or make improvements to it. Technical and management functions and skills being divorced from production tasks, and the recognition of and reward of some skills while others are ignored.

What those sorts of issues are generally taken to relate to, Mr President, and members of the Bench, are in the manufacturing area and in workshops and those sorts of things. But it is our very strong opinion that those sorts of workplace problems are well and truly associated with work in the state sector. And as I have said, they are the sorts of issues which our proposals seek to overcome.

Another one of the DIR publications, and this is particularly relevant we believe to -

PRESIDENT: V.12.

MR VINES: And the problem with the date also goes with this one, Mr President. I'll advise of a publication date later.

PRESIDENT: I just wondered how soon they got - got it out after the August '89 decision.

MR VINES: How soon? Oh, they weren't very soon at all, Mr President. They have been more, I think, over the last 10 months that they've come out, because the of the enormous confusion that has been around. And these have been quite descriptive books for employees and employers alike.

This one, sir, is also one within the series of practical guide in workplace reform, and it is called 'A Fair Deal for Women'. The PSA has submitted on many occasions to the Commission, as we did



this morning, and we'll go into more detail on it, that in particular within the State Service there are what we call some ghetto awards that particularly relates to womens employment within the State Service. The most obvious of those, of course, being the Keyboard and Office Assistants Award.

What we're seeking to do there is, again, completely in line with what is envisaged by the Commonwealth Government, and at page 18, which is the second last page of this document, it relates to what broadbanding and multiskilling should be aimed at to get benefits for women workers. The first two paragraphs there indicate that:

Restructured awards should provide more relevant and up-to-date classification frameworks which promote and reward skill flexibility or multiskilling. However, the concepts of broadbanding and multiskilling are most appropriate to the overhaul of awards containing long lists of classifications which are either out-of-date or present barriers to more efficient work organisation.

In the case of some trade and technical classifications - specifically where tradition has resulted in inefficient and outdated divisions in the way tasks are allocated between workers, updating could be achieved by collapsing the number of classifications or broadbanding a range of existing jobs into a single classification.

Again, while this - that sort of statement is primarily related to trades and manufacturing areas, it is our very strong submission that it equally applies to many of the office assistant and keyboard work areas within the State Service where people have very narrowly defined jobs, where there is very little opportunity for them to - to demonstrate any flexibility in the skills that they have. And indeed, very little opportunity for them to get true job satisfaction through being able to undertake a range of work.

We believe that our proposal to abolish that ghetto award of the Keyboard and Office Assistants and put these people onto the career scale of the clerical officers will achieve the sorts of things that are proposed there.

The next - next exhibit, Mr President, relates -

PRESIDENT: V.13.

MR VINES: This - this is my second last one - exhibit in this area, Mr President, but this one predates quite a bit of what we've been looking at so far. This is the ACTU policy that was developed in congress in September 1989 where the ACTU spent a great deal of that congress looking at such matters as work

organisation, training and skills development. The policy at item 2 - 2.1 - particularly looks at what they call the old forms of work and the problems that have been associated with it. It goes over the page at point - at item 2.2, 2.3 and 2.4 to indicate that the way to overcome those inherent work - work place problems is through award restructuring, is through the organisation of work, is through training skill development and provision of career opportunities for people. That to achieve it directly at item 2.3 it indicates the sorts of principles that should be followed with work levels - each work level having a broad range of skills that can be applied through it; that the number of work levels should provide for progression; that there should be progression - or there should be movement across structures particularly in specialist areas; that there must be - the allocation of functions and responsibilities must be such that workers are encouraged to put their all in; and that the opportunities for participation in broader decision making should be built into the work organisation.

Again, sir, it is our submission that what we have and will put to the Commission meets those sorts of proposals that have been developed by, if you like, the other half of the group that developed this whole question on award restructuring.

The final exhibit, sir, that I wanted to put up at the moment is - it's unfortunately - this is one is already marked PSA.6, sir, because it is a -

PRESIDENT: Was it tendered previously in this matter?

MR VINES: No, not in these proceedings, Mr - so if I can suggest that we put a line through that ....., sir.

PRESIDENT: So this will be V.14.

MR VINES: V.14 is a document submitted by our fellow - our sibling organisation in South Australia - the PSA of South Australia - to their Industrial Commission when they were pursuing precisely the same claim that we are. What the PSA have done extremely well is look at what the problems are with their current award structures and what is sought to be - or what we're seeking to achieve with our new proposals.

The - the document goes down the levels, for example, where currently this classification structures are too detailed, specific and inflexible - the new structures overcomes those sort of problems. The classification structures don't encourage people to move to other areas of work. On the other hand, multiskilling, training, job redesign will encourage will that. That currently there's no broadbanding or multiskilling encouraged whereas that's the main focus of job design under our new proposals; that current and potential management is not provided with the appropriate skills - an extremely serious problem within the Tasmanian State



Service, yet under the new proposals the training base progression will provide for that.

The skills that are lost due to inappropriate classification structures and remuneration is proposed we - can be overcome by proper recognition and proper compensation or payment for skills that are utilised.

The number of awards that - that similarly apply that are just salary based without proper standards or anything else again will be overcome by our claim with the insertion of proper classification standards.

And it goes on through the list relating to training. The recruitment and job flexibility, management skills, structures that have discriminated, the restrictive nature of job design, the old-fashioned work design based on the old tailor principles and the traditional work values that are based on lack of esteem and status, whereas now we're putting people - all of them - into career opportunities and onto career scales.

Those exhibits, Mr President, are in our view, give a fairly good background to what we see as have been the problems or are the problems with the current system and what can be achieved with our new system of the four streams with broadbanding and with multiskilling.

The background - as an example of the background within the Tasmanian State Service - for example the keyboard employees - not the whole of clerical employees, but for keyboard employees, back in 1987 the then Department of - Primary Industry I was about to say - Public Administration issued a set of classification standards relating to that one award. Now to talk about this task inflexibility and all the rest of it, the list of classification standards that were issued for that award were typist, stenographer, machinist, audio-typist, keyboard operator, secretarial assistant, typist-in-charge, machinist-in-charge, keyboard supervisor and word processor operator - all different classification standards for what we believe are completely inappropriate segregation of those jobs and separation of those jobs. In our view it is most definitely an over proliferation of standards, albeit it is one of the few awards where the DPA actually got round to issuing any classification standards.

That award - the Keyboard and Office Assistants Award - currently has eight separate classes in it. Two of those classes have four grades - one of the classes has three grades and three of the classes have two grades and increments as well.

The proliferation of grades, classes and standards in our view leads to artificial distinctions between the work being done and it creates flexibility problems as well as classification and reclassification problems.



Broader classes or levels enable employees to perform a far broader range of work at different levels without the need for reclassification. Our proposal is to abolish, for example, the Keyboard Employees and Office Assistants Award and translate those employees onto the admin and clerical scale together with the clerical assistants and give those group of workers a proper career opportunity. That sort of translation in our view would - it would achieve a greater recognition of basically the similarity within their work; it would broaden the range of work available to those people and indeed broaden their range of skills and it would significantly reduce the current problems that we have with the differentiation of classifications between many of those people.

In our view it would also mean if it's done properly that there would be very little need in the future to create more levels for clerical workers and for administrative workers; that work will have to be very distinctly different to what is currently done not to be accommodated within our proposed and administrative and clerical stream or it would need to be a technical difficulty such as a separate employer.

In broad terms the three streams that I'm relating to will cover the sorts of workers as - or the sorts of tasks as follows - and this is just very briefly because we will go into detail: the administrative and clerical stream would cover those employees who are involved in clerical, keyboarding or administrative work ranging from basic processing tasks to play in a significant role in the development of policies and the setting of objectives for a work unit. In our proposal there is no essential formal qualifications for entering into that stream.

The technical stream would apply to those employees who carry out technical activities ranging from the application of standardised procedures under close direction to a technical specialist who may be involved in policy decisions and head up a major - or head up a major work group.

The qualifications within the technical streams would be formal qualification requirements, such as a certificate or associate diplomas, or qualifications and equivalent - sorry, qualifications or experience deemed by the Industrial Commission to be equivalent to those certificates or associate diplomas.

In the professional stream we would see it covering those employees who are carrying out work in a wide range of professional disciplines from professional foresters to hospital scientists, to quantity surveyors. The qualifications required would be - fall into one of three categories - firstly a degree or diploma of an Australian tertiary institution or a comparable overseas qualification which, in the opinion of the Industrial Commission is appropriate to the duties of the office, or secondly, eligibility for membership of or registration by a professional body which, in the opinion of the Industrial Commission, is appropriate to the duties of the office, or 3),



other qualifications comparable to those referred to in clause - in that first one - the degree or diploma - which in the opinion of the Industrial Commission are appropriate to the duties of that office.

The second question the Commission sought to be addressed on in its decision was those classifications in existing awards which should be transferred into another stream. We had some - there was some confusion as was - on what was actually meant by that, but we assumed it to - to mean those exceptions to the rule, if you like, those particular classifications that stand out as being quite different to others.

We have submissions - brief submissions - to put in what we see as the principal areas that are covered by that. The first ones that we see being affected are the classifications or the job title that is currently known as library assistants. They are currently covered by the - either the clerical assistant scale or the clerical employees scale. Under our proposal they would go to the technical - to the technical stream. We would also propose - at the moment the library assistants are classified on the - sorry, on the clerical assistants scale not on the clerical employees scale from a range Class I/2 through to a range at senior library assistant level of IX/10. It is our view that library assistants are more appropriately described as library technicians and therefore should be placed in the technical stream.

And it's also our view that they are generally and definitely by the appropriate professional organisation recognised as paraprofessionals and therefore should be employed pursuant to a more appropriate award.

If I could table, Mr President, an exhibit which is an extract -

PRESIDENT: V.15.

COMMISSIONER GOZZI: Mr Vines, just before you deal with V.15 one of the contentious points in the last occasion in respect of point (b) related to the interaction between supervision - the practising technical officer and the team leader in the technical stream, the professional practitioner and the difference between the specialist practitioners and the professional managers. Now currently that's - I really paraphrasing some of the matters raised by Mr Hanlon and currently some of those employees are covered by different awards. Have you given that any thought in your proposal where those classifications would fit? I assume from the proposals, just to qualify that put to us previously that there is an unresolved area in respect of what awards should apply to the type of team leader - it might be a professional person - the technical - the interaction between the technical supervisor and a professional employee.

MR VINES: Oh, I see .... we would see the prime - the principal difference between the technical award and the professional award are the qualifications that are required.

We see if the person is a - if his or her position requires what we're defining as a professional qualification there in the professional award.

COMMISSIONER GOZZI: Right.

MR VINES: If they require only a technical qualification they'd be in the Technical Award.

COMMISSIONER GOZZI: And - okay. And if it's a technical qualified person in the Technical Award and has responsibility to lead a team of technicians versus the professional in the Professional Award, how do you see the classification operate? Is it in respect of -

MR VINES: Well, the job - the -

COMMISSIONER GOZZI: - the classification standard, or what?

MR VINES: The classification standard, sir, yes. Our view is that the classification standard should account for whatever the work is that somebody is doing. If it's a technical person supervising a work team of technical people we look at where that applies within the classification standard. I think it would be unusual situation that we have project teams that, say, a professional would only be supervising nonprofessionals.

But, I mean, even in that instance our view would be that that's accounted for or can be accommodated within the classification standards that we're putting up.

COMMISSIONER GOZZI: I don't want to pursue it too far, because you're in full flight. But just on that particular point, that point (b) in our decision, part of it I think goes to the matters raised by Mr Hanlon that there ought to be common points. In other words he, I think, envisaged common points for those type of people that have a supervisory/managerial-type function.

I'm just wondering whether that sort of fits into - into that item (b) before we move off it.

MR VINES: I must admit, sir, we hadn't read item (b) to cover - to be asking that question. As I said, there was some confusion amongst my people as to what the Commission was actually looking for there.

COMMISSIONER GOZZI: But you don't necessarily those sort of common points that Mr Hanlon was referring to?



MR VINES: Oh, well, that's what our original claim was. If the Commission can recall when we first put our claims up, they were on the basis that there would be horizontal - I forget the word we used now, but horizontal equivalent between each of the streams. So that there would be a level in all four of the streams that equate. They'd be similar dollars across that would equate to similar levels of work value.

Now that, when we were still in the stage of negotiation with the government, was hotly opposed by the government. And this is probably 12 or 18 months ago now. And so we backed off that position at that time. But one of the exhibits I'll be putting to you later, from South Australia, shows that the South Australian Commission has maintained that horizontal - horizontal integration or something I think they call it.

COMMISSIONER GOZZI: Yes. Well, the specific point I'm referring to is on page 663 of transcript. And you might want to have a look at that later on, because it seemed to me to beg the question just where those people - if you're going to have common points, then it might be quite appropriate to have them in the designated stream, but I wasn't quite sure how the - unless the job classifications matched up, how they could be classified on a common point. Unless the duties and responsibilities are the same.

MR VINES: I'll - if I can take that on board, Mr Commissioner -

COMMISSIONER GOZZI: Yes.

MR VINES: - I'll respond to that at some stage further in these proceedings. The Exhibit V.15, Mr President, is the first of some extractions I'll be taking from the ASCO Dictionary, which is the Australian Standard Classification of Occupations, which some people regard as a bible. I must admit I regard as a guide. But at least one thing with them is they do have consistency.

This is the edition that was published in 1986, and I don't think that they have - or I'm not aware that have updated it again since that time. In relation to -

PRESIDENT: What was the date again?

MR VINES: 1986 -

PRESIDENT: '86, yes.

MR VINES: - on the front. I've tendered it this stage in relation to library technicians, where within this classification standard library technicians are seen as paraprofessionals, which is the argument that we have used. That their education requirement is a 2-year associate diploma or certificate, and it briefly outlines the sorts of duties that - that are performed by library technicians. Which we believe gives support to our

argument that they should be covered by the Technical Award. The  
- if I -

PRESIDENT: So you're saying that library assistants are library technicians and therefore -

MR VINES: That's correct.

PRESIDENT: - should be in paraprofessional.

MR VINES: If I can substantiate that, sir, with position descriptions. That -

PRESIDENT: V.16.

MR VINES: These position descriptions are tabled for the information of the Commission. They are a position description for each of the levels within the library - current library assistant scale. The Commission can see that through those there is a requirement for varying levels of qualification at the moment. Part of the difficulty has been that there has been insufficient consistency up until now shown by the State Library in the classification or in their qualification requirements, because there has been no recognition for requirements in the award or within the State Library itself.

The desirable and essential qualifications range from no mention of the library technician certificate to it being a desirable qualification, or to progress towards it being a desirable qualification. Our submission is that the library assistant or the library technicians - library assistants can be properly titled library technicians where there is a requirement for them to hold some form of formal qualification, which we believe can be adequately differentiated from those library assistants who are otherwise performing attendant duties, if you like, but do not require formal tertiary qualifications.

By way of a description of the qualifications that - well a course that these people undertake, Mr President - I don't intend detailing it - but the recognised course is one that is conducted locally -

PRESIDENT: V.17.

MR VINES: - conducted locally by TAFE Tasmania and it's known as an applied science - it's an Associate Diploma (Library Technician) - and that syllabus gives a run down of the training that these people are required to undertake to achieve their qualification as a library - or their formal qualification - as a library technician.

COMMISSIONER GOZZI: Are you saying, Mr Vines, that existing library assistants hold these type of qualifications or are you



saying the Commission's determined that they're library technicians on the basis of experience?

MR VINES: No, at the moment they do hold them.

COMMISSIONER GOZZI: They do hold them do they?

MR VINES: They do hold them, yes.

COMMISSIONER GOZZI: Yes.

MR VINES: Not all, but the vast majority do hold them.

COMMISSIONER GOZZI: Yes, right, right.

MR VINES: The ranges - for example levels 3 and 4 have as their desirable qualification progress toward library certificate, certificate; levels 5/6 library technician certificate and/or appropriate library experience; 7/8 is the certificate requirement and 9/10 is again a certificate requirement.

The - apparently the -

PRESIDENT: Is it? I hadn't picked that up. Oh, yes - yes, I'm sorry, Mr Vines. The last item.

MR VINES: Yes. The submission that we would put, sir, is that it should be a formal requirement to be a library technician to - or to undertake these duties to have that formal qualification and we would see that there's a need to have appropriate classifications that's - that encourages people to get that qualification with of course what we would be arguing generally that there should be some protection for those people who have been performing the work they are recognised as through experience as having qualifications equivalent thereto.

The second area that we see as taking some change in their current general classification would be in the Hospital Employees Award relating to medical, diagnostic and therapeutic radiographers. We would see those more appropriately being covered by the scientific and professional stream. The therapeutic radiographers - and the Commission has heard a case on these people some time ago now - require a 3-year Bachelor of Applied Science in radiation therapy which at the moment is offered through either the Royal Melbourne Institute of Technology or the Queensland University of Technology. They're part of a multidisciplinary health team involving other professionals such as hospital scientists, pharmacists, medical staff and nurses. They have a greater and more in-depth involvement in oncology services through the assessment, the evaluation of technologies, equipment and techniques, the use of multi - multi-million dollar equipment computerised treatment planning, interaction with other professional groups, they're more involved in the prognosis and treatment of cancer, they provide education services to the public

and other groups, that is, to other health professionals, cancer support groups et cetera, they provide expert advice to medical staff and they're involved in a range of professional practice committees.

The second group are the diagnostic radiographers. They're educational requirements are currently the only one that's available but recognised in Tasmania as a Tasmanian course is a Diploma in Medical Radiation which is to be converted to a degree course in 1983 - sorry, in 1993. All of the other states currently haven't recognised degree courses. They're similarly involved in the provision of advice to medical staff and other health professional groupings. They, particularly over recent years have increased the level of technology that they used with such things as digital radiography - the old and familiar practices of radiography are still used, however the use of those was likened to taking a photograph through a camera. Digital radiography allows the radiographer to reform - reformulate and manipulate the digital image of the body to produce different test results and identify problem areas. They're involved in magnetic resonance which is similar to the CT scanning with the radiographers taking general control of those sorts of processes and they are far more involved in the general computerisation of much of the work that they do, particularly with obviously dangerous procedures relating to radiation.

It is our view that similarly - similar to the medical therapeutic radiographers that those people in this day and age are by far more appropriately classified as professional people rather than - rather than technical people.

Similarly with the nuclear medicine technologist - they're education requirements now are a 4-year degree which includes a 1-year internship at an accredited hospital which employs nuclear medicine technologists and physicians. The course is run in three states, but unfortunately at this stage not in Tasmania. They, in our view, are more appropriately titled nuclear medicine scientists - they're part of a multi-disciplinary health team; they provide advice to medical staff on the treatment of patients; they aid diagnosis of patient problems; they are also significantly involved in issues relating to radiation safety.

Again if I can table for the information of the Commission, the ASCO definitions.

PRESIDENT: V.18.

COMMISSIONER GOZZI: Mr Vines, as you rightly point out, radiographers were examined by the Commission, I think by Commissioner King as he then was, and was the issue what award that they should be classified in raised at that time?

MR VINES: No, it wasn't, Mr Commissioner, it wasn't - it wasn't an issue at that time.



COMMISSIONER GOZZI: Well was it simply a work-value case was it?

MR VINES: Yes, that's right. From what I understand there is agreement from the Health Department. I don't know if that translates to agreement from the government or not, but there was agreement from the Health Department. Indeed in the Health Department's proposal on the Health Professionals Award they saw the radiographers as being covered.

I will just - just in relation to radiographers, rather than going through this in detail it does cover the areas that I've just related to. You will note that the ASCO categories refer to these people as professionals and relate to the different requirements of their job. You will notice that unfortunately this is out of date to an extent, because in several of them it relates to a 2 or 3-year diploma. In most instances, if not all, that has been increased to either a 3-year degree or some other qualification.

The next group that we see stands out as needing a change related to the accountants and professional auditors within the State Service, who at the moment are classified within the Clerical Employees Award. The auditors are classified on a variety of the levels within the Clerical Employees Award, ranging up to a senior auditor level 2, is employed at Class XII of the Clerical Employees Award.

But then management positions within the State Audit Office and, indeed, in other audit - internal audit areas of departments are - are also covered by the Clerical Award. The base or the entry classification for auditors is on a band of current Clerical Employees Award II/6. We believe that auditors and accountants fall into obviously very similar positions, they have largely the same qualifications.

By accountants we mean those people who are recognised accountants, we don't mean clerks whose job title might be accountant. We're talking about people with professional qualifications. The minimum tertiary -

PRESIDENT: Doing an account - must be performing an accounting role though.

MR VINES: Yes, sir, yes. Yes. The same with any of our groups. If it's - they must be performing an accounting role and their qualification must be a requirement of the job. So that if they're employed in a clerical position that it isn't a formal requirement to have an accounting qualification, in our view, they are not then employed as accountants.

The ASCO definition for accountants -

COMMISSIONER GOZZI: Lots of auditors, for instance, are not qualified accountants, particularly - particularly internal

auditors, up to a certain - before it becomes a requirement to hold a qualification. What happens to those people?

MR VINES: There would be the normal sunset clause, sir. But I don't know that there would be many of those around these days. They, in my view, would be very longstanding state servants to still - to be able to call themselves an auditor without at least having the - the CPA initials behind their name. Or the AIS -

COMMISSIONER GOZZI: Right from the time they go in as a trainee auditor you'd say that they would be progressing towards an accounting qualification.

MR VINES: Oh, as a trainee?

COMMISSIONER GOZZI: Yes.

MR VINES: Yes.

COMMISSIONER GOZZI: Yes. They ....

MR VINES: Well, that still happens. People are employed and their - as trainees and they're still sent through to college.

COMMISSIONER GOZZI: Yes. I'm saying that's what you would envisage, is that anybody working, say, in an audit function that comes in as a trainee or a 1st year auditor would be - would need to progress towards a qualification.

MR VINES: Yes.

COMMISSIONER GOZZI: Yes.

MR VINES: Yes. If I can table -

COMMISSIONER GOZZI: I mean, traditionally though a lot of people came in the audit area particular without having that qualification.

MR VINES: Yes. That's right. And that's why I say - why I made that differentiation between accountants as well.

COMMISSIONER GOZZI: Yes.

MR VINES: In the past it could be a clerical person who assumes the title of accountant. What we're talking about are those people who are required to have a formal qualification.

PRESIDENT: V.19.

MR VINES: V.19 gives both the ACO definition of accountants as professionals, which in our view also covers auditor. Indeed, it says - it relates to auditor as a specialisation. We have also attached the membership requirements of the Australian Society of



Certified Practising Accountants, which we would put is one of the appropriate professional - or probably the principal professional association to be recognised by the Commission in relation to accountants.

It indicates the requirements there for formal professional membership of the CPA. And we have attached also example position descriptions of auditors. These ones relate to auditors within the actual Audit Department.

Our view is that these people with their qualification requirements have degrees in business or commerce, and with the requirements for them to meet certain tests and then maintain a level of competency to be members of the CPA, well and truly puts them in the same category as many other professionals. And it's our view that they, indeed, should be covered under a Professional Award, where they are required to hold a position that requires those professional qualifications.

The two other groups that I should have mentioned in relation to the Hospital Employees Award, which we believe are more appropriately included on the professional stream rather than related back to the technical stream. And I think this was largely recognised, particularly in the case of dieticians some time ago by the Commission, is that both dieticians and podiatrists are more appropriately classified on the full professional stream than they would be translating to a technical stream.

Another area under the current Clerical Employees Award, a computer -

COMMISSIONER WATLING: Now we'll just stop. Let's have a look at that, in relation to podiatrists. What are you saying there? Are you saying that they are now graduates or diploma holders?

MR VINES: Well, a diploma is in many instances recognised as a graduate qualification.

COMMISSIONER WATLING: Right. You recall too that on the last occasion we looked at podiatrists, a number didn't even have a diploma certificate, yet it was moving towards that?

MR VINES: Yes, that's right.

COMMISSIONER WATLING: Well, instead of just throwing it into the ring, what are you sort of suggesting to us that we do?

MR VINES: Well, my understanding is with podiatrists now that there is a requirement for them to hold formal qualifications to be employed as a podiatrist, that not all those employed have them. However, my understanding is that you cannot now be employed as a podiatrist, you can't gain employment as a

podiatrist without them, so it would simply be a form of a sunset clause.

I'm informed that the appropriate qualification now is, in fact, a degree in applied science (dietary), which is the base entry qualification for podiatrists.

COMMISSIONER WATLING: And where does that take place?

MR VINES: I haven't got that information on this just at the moment, Mr Commissioner, for some reason, but I can get that, and provide that to you.

COMMISSIONER WATLING: So, you are now saying that the department, though, won't employ anyone unless they have got a degree or a diploma?

MR VINES: In the future that's - yes, that's right. They need to have one to now gain employment as a podiatrist, is my understanding. That's the information that we have been given.

COMMISSIONER WATLING: Right.

MR VINES: The other group in the Clerical Employees Award are another newer professional group, if you like in our view, and that is computer systems operators.

They are currently on similar classification ranges to auditors and accountants within the State Service, with CS0.1s being employed in the level 2 to 7 within the Clerical Employees Award. Level 2 from 8 - on a range of 8/9, and level 3 12/13.

It's our view that they should be placed in the professional stream and not move across into the clerical stream.

It is recognised that they are computing professionals, that there are requirements for those people to have professional qualifications.

I can again table the ASCO standard.

PRESIDENT: V.20.

MR VINES: The V.20 under the heading of, 'Unigroup 2707', lists the range of computing professionals which in various forms are employed within the State Service under the heading of computer systems officers, and as the position descriptions that are attached show, these people are required to operate at a range of different levels of proficiency within the State Service.

It is our view that there should also be differentiated within the computer systems officer area the requirements for those that do hold applied science degrees or related qualifications. Indeed, in level 3 of computer system operators there is a requirement



that there be a degree in information science, or it is advantageous for a degree in information science, or equivalent.

It is our advice, and this will also be subject to translation discussions, it is our advice that in the vast majority of cases, if not all, there is - these people do hold degrees in arts, science, economics, or business, with computer orientated majors, and therefore giving them a minimum of a 3-year degree.

It is our view that as part of the training requirements of award restructuring qualification requirements that there should be grandfather clauses or sunset clauses in relation to those without degrees, that there should be formal qualification requirements for CSOs, and that as such it be recognised and included as part of the professional stream.

COMMISSIONER GOZZI: I mean, at the moment none of these people require any formal qualifications? The employer doesn't require any formal qualifications at the moment - looking at your job descriptions?

MR VINES: Well, according to the job descriptions they don't; according to the advice that we have been given from people they do. You simply don't get employed if you haven't got one of those qualifications.

COMMISSIONER GOZZI: It shown, really, as you said, it would be an advantage at this stage?

MR VINES: That's right, yes.

COMMISSIONER GOZZI: Yes.

MR VINES: But the information that we've received is that there would be very few, if any, well, we haven't been able to unearth any that don't have formal tertiary qualifications.

Two other groups that, however, will be covered within the special case proceedings, or special case submissions, I should say. As I indicated before the chief prison officers and above that we argue should be - or we will argue - are more appropriately covered in the admin. and clerical stream, and field assistants and survey assistants within the Survey Officers Award.

The next group -

COMMISSIONER GOZZI: I am sorry, field assistants and -

MR VINES: Survey assistants.

COMMISSIONER GOZZI: Thank you.

MR VINES: The next group that we see wouldn't follow a normal course would be what are known as planners, or what we believe are

more appropriately titled as land use planners. They are currently classified under the Technical Employees Award.

Assistant planning officers at level 6 through to 8. Planning officers at 7 through to 15, and senior planning officers at 13 through to 19.

Again, to table the ASCO definition.

COMMISSIONER GOZZI: Mr Vines, just a point of clarification. Going back to survey assistants and field assistants, what award did you say they should be?

MR VINES: Oh, sorry, sir, survey assistants to the technical stream, and field assistants to the op. services.

PRESIDENT: V.21, Mr Vines.

MR VINES: This exhibit, sir, categorises planners under the heading of 'Other Social Scientists'. They are still within the professional category within the ASCO provisions.

The skill levels that are required are either at the level of a base degree, a graduate degree, or a graduate diploma and, in fact, in many instances higher than that to a masters level.

The position descriptions within the State Service are also attached and the commission will notice that they are the desirable qualifications for these people because, remembering they can't have formal qualifications within the Tech Officers Award, the desirable qualifications are eligibility for corporate membership of the Royal Australian Planning Institute. What we understand those requirements to be are a degree and practice for one year before they qualify for corporate membership. So, again, they are a group which in our view meet the general tests associated to planning officers.

Planning officers, or land use planners as we suggest is a more appropriate title, have been a problem for both the employer and ourselves, the PSA, for many years largely due to the restrictive nature of the technical scale. Indeed, it has been recognised by recently the chief planning officer has been classified under the clerical scale because the technical scale doesn't go high enough for that position and there is no appropriate professional scale at the moment for them to be classified under.

So we would submit to the commission that they are another group that should be changed from their current scale, if you like, on to the professional scale. The -

PRESIDENT: Mr Vines, I note in the planning officer's one the regional planning officer at Launceston has a management role: primary task is management of Launceston office. We run into some difficulties there, don't we, with the application of the Clerical



and Administrative Award and the Professional Award, or Technical Award?

MR VINES: No, I wouldn't think so, sir. That is quite a common thing. For example, the district forester, one of his position description requirements, or one of his primary tasks, is to manage the district. A regional engineer with DMR; social workers manage regional offices - I mean, that is part of being a professional is to manage work units and that indeed is taken account of in our position - classification guidelines for professionals.

PRESIDENT: ....

MR VINES: There is a requirement though, that in the management of those functions that they exercise their professional duties.

PRESIDENT: Yes.

MR VINES: The final group that we would put to the commission at this stage that fit into this category are the - those people covered by the Welfare Workers Award, as I indicated before. They will be covered in some detail when we talk about the special case areas later on in these proceedings. What we have proposed with the Welfare Workers Award is that we insert the professional scale and the operational services scale, and possibly the admin and clerical scale into that award while we get it sorted out with those that require formal AASW qualifications - social work qualifications - to be included in the Social Workers Award and other people to be classified appropriately, but we would look to go into more detail on that as part of our later submissions.

I am about to move on to the third point, sir, so is that -

PRESIDENT: So it might be an appropriate time to adjourn until 2.15.

#### LUNCHEON ADJOURNMENT

PRESIDENT: Mr Vines?

MR VINES: Thank you Mr President. Sir, the - as I indicated, the - before the luncheon adjournment - the next issue that we wish to address the commission on was the three streams that we are referring to today, in particular in response to the two next questions that were asked by the bench in its interim decision: the number of classification levels in each stream and the classification standards to be applied at each level. What I propose to do, sir, is to deal with each stream in detail, focusing on those two questions. For ease, Mr President, I have extracted the classification standards from the TTLC document, which I hope will make it a bit easier for your to follow.

PRESIDENT: V.22.

MR VINES: The first stream in that exhibit, Mr President and members of the bench, is the administrative and clerical stream. Our proposal as has been previously tendered to the commission suggests eight levels within that stream, including a trainee level. In our view, eight levels is more than a sufficient number to cover the people that we envisage to be covered by this stream and we propose the levels as being: Level 1 Trainee; Level 2 Skilled Clerk; Level 3 Skilled Clerk II (if you like); Level 4 Senior Clerk; Level 5 Executive Officer; Level 6 Senior Executive Officer; Level 7 Manager, Policy Adviser or Specialist; and Level 8 Manager.

For each of those levels, which I will now go into, we propose to focus on the essential differences between one level and the next, the functions and the work that is done at each level, the supervision requirements at each level, and the qualifications required at each level.

Level 1, the trainee level, is obviously in - as our claim goes - the base level for recruitment into the clerical stream or into the clerical and administrative work functions within the State Service. We see that at the trainee level employees don't have any prerequisite qualifications or even necessarily any prerequisite experience. They are performing basic clerical work.

The function, as we see them, in the guidelines that I have tendered, is simple, basic and various tasks associated with the processing of office work. Involves the provision of a service or information to support the work of others. For example, the sort of things we would see those people doing is the operation of basic office technology, such as photocopiers and facsimile machines, the basic information handling such as mailing, collating, filing, and there may be an involvement in some areas of limited keyboarding.

The responsibility that we give to positions at that level are that they undertake duties in accordance with standard procedures and they may resolve minor problems. There is little interpretation require, little judgment required, or discretion required. There is both, under supervision, direct supervision and specific supervision given to employees at this level and there would be no supervisory responsibility for employees at Level 1.

As I indicated earlier, the qualifications for the position are no formal qualifications or experience required. It is the base recruitment level into that stream. We see Level 1, as I indicated, as a training position. We see that through our incremental scale we would look at people remaining in there for - whilst they are getting basic training, possibly for up to four years. We do not see Level 1 as being a level that people would



be stuck in. We do not see it as to .... the ghetto; it is not a low paid ghetto, it is a classification level where people are given the basic work skills, the basic skills as to particular functions and we would not see that any would be retained permanently at Level 1.

PRESIDENT: But you do see (excuse me), you do see a limit on the number of years that one would spend in the trainee, or Level 1?

MR VINES: Generally speaking, but there will always be exceptions to the rule. We are not saying that people move out of Level 1 if they haven't picked up an appropriate level of experience and translated that experience into skill. We are not saying that people get promoted based on time, we are saying people get promoted, they get moved ahead based on the skills and their ability to apply those skills.

PRESIDENT: Do really mean it is - Level 1 including trainees?

MR VINES: No, we believe that Level 1 is there for trainees, that everybody at some stage should be able to get out of Level 1.

PRESIDENT: Yes, I accept that but you also said that -

MR VINES: If they are still in Level 1 after ten -

PRESIDENT: - it would not necessarily mean that they could or would get out, but it is preferable if they do.

MR VINES: No, but they must be very, very slow learners and still be under training through that whole period. Whilst they were employed at Level 1 they would be under training, they would be under close supervision, they would be under specific supervision. Now, they would not be required to be working independently so if you had somebody who was there after an extended period of time, quite clearly something has to be done in relation to improving the development and skill acquisition of that person.

COMMISSIONER GOZZI: Well trainee, by definition, I suppose - well, not necessarily by definition, Mr Vines, but trainee could mean employees under the age of 21 years of age.

MR VINES: But adults can be trainees. We would definitely see adults being trainees.

COMMISSIONER GOZZI: Well, where would you see school leavers come in?

MR VINES: At Level 1.

COMMISSIONER GOZZI: At Level 1.

MR VINES: Yes.

COMMISSIONER GOZZI: As a trainee.

MR VINES: Yes.

COMMISSIONER GOZZI: So a school leaver trainee would attract the same rate as an adult trainee, in your proposal.

MR VINES: ....

COMMISSIONER GOZZI: I mean, you are going to go to rates in this, are you, eventually?

MR VINES: Are we going to be arguing rates?

COMMISSIONER GOZZI: Yes.

MR VINES: Yes, we will.

COMMISSIONER GOZZI: As part of your submission.

MR VINES: Yes. Our fundamental position is that junior should be paid according to the skills they - and the work - the skills they use and the work they perform. If it is the equivalent of adults they should be paid the same as adults. That is not a principal part of our submissions in this claim though.

COMMISSIONER GOZZI: Yes. I suppose, just for clarification purposes, as you know we have got exhibit H.10 as well which contrasts what you are putting and what the government is looking at. Are you going to make any comparisons on the way through, or are you just simply going to outline your proposals for the stream?

MR VINES: No, at this stage of our submissions I am just simply putting our proposals. The view that we take is that we are not here to argue for or against the government's proposal, we are simply here to argue for ours.

COMMISSIONER GOZZI: Right. Okay.

COMMISSIONER WATLING: So, Mr Vines, do you see then a person coming in, under your scheme, entering Level 1 and have automatic progression through to the end of Level 2?

MR VINES: Soft barriers is what we call it, sir.

COMMISSIONER WATLING: I am not used to the term soft barriers. Will they progress through from Level 1 to Level 2?

MR VINES: They will progress through to Level 1 to Level 2 -

COMMISSIONER WATLING: Yes.



MR VINES: - but it will not necessarily be automatic. It depends what you mean by automatic.

COMMISSIONER WATLING: Right. Well, can you tell me how they will get from Level 1 to Level 2, and how will the users of the award under your system know that they can get from Level 1 to Level 2? How will they know what the procedures will be?

MR VINES: By them picking - our view would be that once the people are in these jobs, once the classification guidelines have been agreed, that you look at the person. Prima facie, we are saying the period of time there is how long it is going to take them to develop to the necessary level. Once they have reached that end of that time or, indeed, in the case of an exceptional performer, by earlier than that time, we would be saying that you then match whether their skills are competent to operate at the next level. So there is -

COMMISSIONER WATLING: Right. What time would you see then?

MR VINES: Sorry?

COMMISSIONER WATLING: What time would you see? What is the length of time that the average person, given average skills, would take to complete, in your view, Level 1?

MR VINES: Well, on average, we say about four years.

COMMISSIONER WATLING: And then at the end of the four year period, would you expect them to be reclassified to Level 2?

MR VINES: If they are competent to perform at a Level 2 level, yes.

COMMISSIONER WATLING: So, in other words, you would see it being mandatory to transfer them.

MR VINES: No. No.

COMMISSIONER WATLING: Well what happens -

MR VINES: I said, if they are performing at a competent level.

COMMISSIONER WATLING: Right. Who - someone makes the assessment then, do they?

MR VINES: Correct. That happens every day of the week now.

COMMISSIONER WATLING: Yes. Right. And at the end of the four year period someone says: Well, look, we still want you at Level 1. What is your response to that?

MR VINES: If the person believes that they are competent to work at Level 2, but the employer is disputing that, under the State Service Act those people have appeal rights.

COMMISSIONER WATLING: So you will just go through the normal channels to get them reclassified to Level 2.

MR VINES: Well I wouldn't say normal channels because the normal channel is the Commissioner for Review.

COMMISSIONER WATLING: Yes, that's right.

MR VINES: I would envisage those sorts of appeals would come here rather than the Commissioner for Review. The simple reason for that is that the classification guidelines will be in awards, they will then be part of the award and it is our position, and it always has been our position, that things that are in awards should be brought here for determination.

COMMISSIONER WATLING: Right. So the upper limit of Level 1 is four years.

MR VINES: No. The average level of Level 1 - the average period of Level 1 we envisage would be about four years.

COMMISSIONER WATLING: Right. What would you see as the lowest and - in terms of years and the highest in Level 1?

MR VINES: Lowest could well be a month; it could be six months. It depends on the competence of the person. Somebody might come in, their first time ever employed at a clerical - in a clerical field, but are operating at a very level from day one. They could, in our view, be eligible to ask for a reclassification to Level 2. The upper limit? I would be starting to worry, if I was a manager, after - I don't know - six or seven years I suppose. I mean, either the person is not able to work at a higher level or the training they are getting is not appropriate.

COMMISSIONER WATLING: Right. So, would it be unfair of me to think that Level 1 and Level 2 should be linked?

MR VINES: No, it is not unfair of you to think that, but what we see is that they are two distinct levels. One is there while the person is being trained, there is then recognition by movement to Level 2 that they have reached a level of training and a level of competence.

COMMISSIONER WATLING: Right. Now, would it be Level 3 then that would be the promotable position?

MR VINES: The first promotable position, yes -

COMMISSIONER WATLING: Right.



MR VINES: - as defined by the State Service Act, yes.

COMMISSIONER WATLING: Good. Thank you.

MR VINES: If I can move on to Level 2, what we are calling, if you like, the first level of skilled clerk. The essential difference from Level 1 is that by this stage the person is a trained clerk. They are competent in the skills acquired during the training phase, they are required to perform at a higher level than Level 1 and the supervision is not as close and direct as Level 1.

The function and responsibility, if you like, at this level should be read in conjunction, I think, with the functions of carrying out a range of clearly defined duties requiring interpretation, judgment, liaison and communication, with the responsibility of problem solving by reference to established techniques and practices. Assigned work may include details of methods and procedures.

The function part, the reference to those defined duties, as I say, has to be read in conjunction with the responsibility in as much that the interpretation and judgment required is based on already established guidelines and instruction. In terms of liaison and communication, we would see these Level 2 people as being the first level of public contact between the government and the community and therefore a sufficient level of communication skills would be required. The work is of a routine nature with specific direction being given as to the details of methods and procedures that are followed, but the person then being sufficiently competent and trained to undertake that work.

The supervision would be under routine direction and it may involve providing assistance and training to Level 1 employees. That would not be as a matter of course, but it may be a component of the job, particularly on such things as the use of the sort of equipment and the nature of tasks that are performed at Level 1. The qualifications for the position are either 12 months' relevant experience or training. Keyboard skills may be a feature of some positions in particular career paths of employees at that level.

So what we are saying is that they have spent their time at Level 1, they have picked up the skills, they have had at least, in most cases, 12 months' experience and training and they are now equipped to Level - to operate with a fair degree of autonomy and independence.

PRESIDENT: That would be a mandatory 12 months, though, wouldn't it?

MR VINES: That would be - I would say yes, but there may always be exceptional circumstances. However, we accept that if the award says 12 months the person has to sit there for 12 months.

COMMISSIONER GOZZI: So, on that basis, Mr Vines, a trainee could gain progression to Level 2 after 12 months.

MR VINES: Potentially, yes, if they are an exceptional performer.

COMMISSIONER GOZZI: Well if it is a soft barrier that would have to then be a promotable position, wouldn't it, for the trainee because he would skip four incremental levels within the training range. See, your training level, just looking at the proposal, would contain about four incremental steps -

MR VINES: We would call it advanced progression rather than promotion because we don't see it as promotion -

COMMISSIONER GOZZI: All right.

MR VINES: - I am using the word promotion, if you like, as it applies under the State Service Act. In that instance it would be advanced progression.

COMMISSIONER GOZZI: On application.

MR VINES: On application or, indeed, on application of either side. You might have a manager who recognises that a particular employee is showing outstanding competence and skill. If only there were managers like that.

Level 3, the second level of skilled clerk, we would see that there would be between this and Level 2 a difference in the work carried out and therefore in the skills required to perform it. A Level 3 skilled clerk has progressed from routine processing work where specific directions are given, to administrative or policy work. There may be some complex components and elements within the work they do. We see that the function as defined in our proposal is administrative/policy work where assignments may be broad in scope and involve some complex problems.

The responsibility at Level 3: people here are expected to perform a variety of complex activities, some of which may be complex within a standardised framework, within a related area, using some judgment and initiative. If it is a supervisory position they may plan and coordinate staffing resources. We stress the standardised framework aspect, they are not as rigid as apply at lower levels but they are within a standardised framework. The complexity of the task would fall within that standardised framework.

We would maintain that at this level established procedures and practices are still a feature. They may have supervisory responsibilities but would only be required to supervise a small number of employees and thus the reference to the planning and coordination of staffing resources. In relation to supervision, at this stage we would say that they are under general direction and they may involve the supervision of - under general direction



themselves, but they may employ - may involve the supervision of lower level employees.

Qualifications: We would see that they would be by this time to have at least two years' relevant experience or training which would provide a broad knowledge of the institution or department's functions and a sound knowledge of the major activities performed in the work area. An employee involved in administrative or policy work which may involve complex components and as a possible supervisor of staff they would need, in our view, to have advanced communication skills.

Level 4 is what we would regard as a senior clerk. We are starting to, at this level, get into more specialist functions. The preparation of recommendations for the consideration of more senior people would be happening at this level. There would be a supervisory responsibility of a higher level than Level 3. They may supervise a broader range of staff involved in a wider range of activities. At this level the function describes the work, including analysis of data, preparation of reports, including recommendations, and tasks may be of a specialist nature.

The responsibility at this level they could be supervising clerical and administrative people at Levels 1, 2 or 3. They set priorities and monitor the work flow into work area. They may oversee and coordinate work of subordinate staff who operate a wide range of equipment or who are employed on a variety of tasks. Their supervision is that they have specific direction given to them as to the general objectives of the job; detailed directions are limited to unusual features or assignments and guidance may be required for the more complex approaches.

Qualifications: We would expect at this level to have a sound theoretical knowledge gained through satisfactory completion of an appropriate four years' relevant experience or training, providing a sound knowledge of wide variety of aspects of the work area and other associated areas.

Level 5 -

COMMISSIONER GOZZI: Mr Vines, just before you go on, I note that you are expanding on the classification guidelines in the document and it seems to be flowing quite well. Have you got expanded classification guidelines that you will make available to us?

MR VINES: No, sir, just very brief notes in front of me.

COMMISSIONER GOZZI: Right.

MR VINES: No, what - as we have -

COMMISSIONER GOZZI: In terms of tasks and responsibilities you are sort of elaborating on them -

MR VINES: Purely examples. By no means definitive.

COMMISSIONER GOZZI: Okay.

MR VINES: And what we have indicated is that we see these standards as being very much generic and then position descriptions for individual positions are written to - in accordance with these classification standards. So this is - the document that I have given you gives a broad outline of the work that is performed at that level, the other detail are just putting in some examples, the sort of thing that may appear in some position descriptions.

COMMISSIONER GOZZI: Yes. I'm just wondering - when you are looking at the guidelines for, say, senior clerk Level 4, you envisage other tasks besides specialist type of tasks. .... maybe, but you cite quite a few other tasks as well at that level.

MR VINES: Yes, at that level they may be of a specialist - I mean, they would have less complex tasks but there would also be expected that by that stage people are specialising in particular areas. For example, it might be a personnel clerk who is required to have specialist knowledge of Retirement Benefits Fund -

COMMISSIONER GOZZI: Do you see the classifications standards at some stage, in these proceedings, indicating the sorts of tasks that - indicative tasks that may be performed?

MR VINES: We would see that more appropriate in position descriptions than the classification guidelines.

COMMISSIONER GOZZI: Right.

MR VINES: Because - we started off on that work and, indeed, I have had the PSAs research unit doing some fairly comprehensive work in there and what we have found is that you think you have got to a comprehensive position, you give it to people to look at and nine times out of ten you are going to get a group that comes back and says: Yes, but look, you have left out this list. And so what we have tried to do is to come up with guidelines which are fairly broad but at least give us the guidance to establish how a position description relates to the classifications.

COMMISSIONER WATLING: Just one question: if for example I was a Level 3 and I was to go for a senior clerk's position, it says here that I - the qualifications, apart from a sound theoretical knowledge, I have got to have completed four years' relevant experience and then it goes on 'or training providing sound knowledge'. Would it be possible for me to get that with less than four years' experience and, if so, what sort of training would you envisage that would give them that position in less than four years?



MR VINES: It could be some form of formal training, it could be on the job training in a completely different field, it could have been work within the private sector - somebody has come from an administrative position in the private sector into a state sector position that hasn't worked up through the levels - it could be TAFE qualification, it could be university qualification.

COMMISSIONER WATLING: So they could be, say, a Level 3 and within even six months be eligible to go for a Level 4.

MR VINES: Arguably, yes, yes.

COMMISSIONER WATLING: Right.

MR VINES: If that was the case they would probably have skills greater than what was required at Level 3, we would say, but, yes, they could. I mean, there is no restriction on the time that people can apply to be moved.

COMMISSIONER GOZZI: Well how would that - I don't want to jump ahead - but looking at your Level 4 where you have got a proposed rate of 34,000 for somebody that might have a very short period of training, how would that relate with the rates you are proposing for your professional people, for instance your accountant, who are currently in the ANC scale? I mean, it seems to me, from a progression point of view, you can get to \$31,000 relatively quickly, and I don't know where you want to .... your auditor, say, who has an accounting qualification -

MR VINES: Yes, but I mean -

COMMISSIONER GOZZI: I mean, have you looked at that type of cross-stream proposal?

MR VINES: Yes, sure. In the normal course of events somebody is not going to move from Level 1 trainee clerk to Level 4 within four years. I mean, they would have to be quite exceptional and you would assume that they came in at Level 1 with some, either, external experience or formal qualification to develop that quickly, but under our professional proposal a professional person would be able to move to that sort of salary within 4 years of graduation and it - I don't see why that isn't possible at the clerical and administrative - you - I must stress, Mr Commissioner that whilst there are formal academic qualifications that are - at - required in the admin and clerical stream, of course the holding them has to be regarded as skills, training or experience.

PRESIDENT: Mr Vines, just on that I know that in the group of classifications you were talking about being dealt with under other - in other streams - taken out of awards and put in other streams there was repeated reference to deemed qualifications -

MR VINES: Yes.

PRESIDENT: - with the approval of the -

MR VINES: Commission.

PRESIDENT: - TIC. Had you anything in mind in that - in that fashion for the administrative and clerical area?

MR VINES: For formal qualifications?

PRESIDENT: We're talking now about, you know, 5 years relevant experience or training - who decides whether the training is - what the training is and how appropriate it is?

MR VINES: Well in the first instance we accept that it's the employers' prerogative to determine whether it's - it's the equivalent, but there is the right for that to be tested, either with - by the Commission or we would say in this instance by the Commission.

PRESIDENT: I'm not touting for business, all I - all I'm questioning is -

MR VINES: You don't believe me so you're not going to have to tout for it.

PRESIDENT: All I'm - all I'm questioning is whether those two circumstances are similar and whether the same - whether in fact if the employer - if it's the employer's right and entitlement to select the person they want with the particular set of qualifications -

MR VINES: The issue in relation -

PRESIDENT: - shouldn't that apply also to the other areas of professional training?

MR VINES: The issue is slightly different when we look at the professionals. The first step in the professionals is they must meet a criteria to be called a professional. They - in the first instance that should be a 3 or 4-year degree unless they hold something which the Commission deems the equivalent to that formal qualification, because as the Commission is well aware there are all sorts of events that can occur that create that situation.

With the admin and clerical there aren't formal qualifications to the extent of saying you must have a degree, you must have a diploma or an associate diploma or whatever. They must have experience, they must have knowledge, they must have training, but possibly each of those issues are quite subjective - non-quantifiable and so in the first instance it would - we would say that it's there for the employer. We would expect training programs to be developed with each of these - that there would be certain benchmarks that would have to be met as time goes by and



as is developed within individual departments and it would be assessment against those sort of things in the first instance.

PRESIDENT: And training - and training could include formal qualifications?

MR VINES: Definitely, yes, as could experience. If I go back to my days as a student union leader, sir, it was the best experience I ever had.

Level 5 - executive officer - the - we see an executive officer level as starting to get into the lower levels of management, if you like, or supervisory management within the State Service, that executive officers are responsible for executing policy, that is for putting policy into effect. It maybe either a management-type position or as specialist policy advisers. The general difference we see between an executive officer and the senior clerk is that there would be greater autonomy in decision-making. They would be responsible for achieving priorities. They may actually manage as oppose to supervise staff resources and as opposed to overseeing and coordinating the work of existing staff. They may provide specialist policy advice to management; work of employees at this level would, in our view, have an impact on the efficient operation of the particular work unit or agency.

The function as we have outlined is that they'd be responsible for a variety of complex functions under a wide range of conditions. They may provide specialist policy advice; their responsibility would - they would be expected to set and achieve priorities, monitor work flow, manage staff resources and they would have a degree of autonomy over decision-making. In that sort of area we would see they maybe managing a program or a local office or a branch office of a department.

The supervision is that general direction would be given to them in terms of objectives and priorities including critical areas which may impinge on the work of other units and by this stage we would be saying that people must have a minimum of 5 years' relevant experience or training to be able operate at a level 5.

Level -

PRESIDENT: What's this - can you explain what critical areas which may impinge on the work of other units means?

MR VINES: .... say what would you like it to mean, sir? I think what - what that means is that areas that are fundamental to the operation of a department for a particularly controversial areas of a department, sensitive areas of a department - for example, if we, say, look at the Forestry Commission - areas that might be at the moment involved with resource guarantee issues that might be in the environment are - it might be in the Director of Public Prosecutions Office - these areas where there are - there are sensitive issues, where there are critical issues -

PRESIDENT: And no senior clerks would be involved in anything like that?

MR VINES: Not at a - not at a management level; not at a responsibility level. These people are starting to be accountable for what they're doing.

Level 6 - the senior executive office - officer - the distinguishing feature between this and executive officer is the breadth of area that the senior executive officer is responsible for. They would manage more than program or activity. They would manage a significant work area; manages the area in terms of both human and material resources, unlike the executive officer whose principal management would be in relation to human resources. If not a manager, they provide admin and policy support across a range of administrative or operational tasks or it maybe a consultant who may select and modify existing approaches and develop new methods to solve complex problems. They also operate at a level of greater autonomy than executive officers. We see executive officers as being involved in administrative work which may require the management of human and material resources in carrying out a variety of complex functions under a broad range of conditions and under general supervision.

They need at that level a sound knowledge of the field of work they are in and they would be expected to exercise judgment and initiative based on that sound knowledge. The function we see is that they would manage the operations of a significant work area or provide administrative policy support across a range of administrative or operational tasks.

Their responsibility level: they would assign, coordinate and verify the work of subordinate staff; they would select and modify existing approaches and develop new approaches to solve complex problems. Their supervision would be broad. Direction would be given for overall policies, objectives, programs and financial controls. But within that broad direction they would be operating autonomously as we have said.

The qualifications at that level: they would need wide experience in or training in the relevant areas. They would need demonstrated capacity to manage human and material resources, and formal qualifications may be desirable for some specialist tasks at that level.

COMMISSIONER GOZZI: Now, with respect to those qualifications, Mr Vines -

MR VINES: Yes, sir.

COMMISSIONER GOZZI: - can those qualifications be achieved by the executive officer level 5? Is -



MR VINES: Can they be achieved by him?

COMMISSIONER GOZZI: Yes. Yes. In other words, can a level 5 in performing the functions that you've outlined there be expected to be involved with the management of human and material resources?

MR VINES: We've said human resources at level 5. Staff resources under responsibility.

COMMISSIONER GOZZI: Yes. I mean, to progress from, say, 5 to 6.

MR VINES: Yes.

COMMISSIONER GOZZI: To be considered for a level 6 a person needs to have a demonstrated capacity to manage human and material resources. Now that demonstrated capacity, where does that come from? Whereabouts in the structure does that come from? Is it predicated on the previous level?

MR VINES: Oh, previous level and experience and whether they've acted in positions. I mean, that's the sort of thing that's assessed in the section process. They don't have to have had direct experience, but they've got to be able to demonstrate the capacity. You don't have to demonstrate that you've done the task, but you have to be able to demonstrate that you've got the ability to do it. And I mean, that's part of the selection process; the assessment process in selections.

And it's - I mean it's very much as I said before, a subjective and a non-quantifiable assessment, but that is often the case in this sort of work or work of this nature.

Level 7 within the administrative and clerical stream is the level where we call the person the manager. They may also be a senior policy adviser or specialist. The principal or the crucial distinctions between the manager and the senior executive officer are: that the manager oversees activities and programs which require the allocation of significant human and material resources; they would have a greater budgetary responsibility than SEOs; they would have significant and greater independence than SEOs. The specialist policy adviser at this level would provide practical and economic solutions to highly complex professional problems.

They may be required to provide more authoritative, specialist, consultative and management or management advice. The functions of manager at level 7 is to manage the work of a unit engaged in complex activities or programs requiring their - requiring the allocation of significant human and material resources; the provision of practical and economic solutions to highly complex professional problems.

The responsibility level is: that they would be required to provide high level policy, financial and specialist advice across

a range of tasks, significant - and they would have significant independence of their actions. Their supervision would be very broad in terms of overall policies, objectives, programs and financial control. And at the qualification levels extensive relevant experience in the management of human and material resources, with formal qualifications desirable for some specialist tasks.

PRESIDENT: Wouldn't you see some clash there, Mr Vines, with the proposition that accounting and similar people go into the professional stream?

MR VINES: Not necessarily, sir. For example, a manager at that level, to use something that's familiar to us all, it might be a manager of industrial relations or a senior person within an industrial relations unit, where it's regarded that a tertiary qualification in commerce, law, business, arts, whatever is appropriate for - to give them the alleged intellectual background to perform at that level.

PRESIDENT: Yes. No, I'm speaking specifically about accounting -

MR VINES: Yes.

PRESIDENT: - which you said should go into professional.

MR VINES: Yes.

PRESIDENT: And this talks - your -

MR VINES: Arguably if it was a management/accountant that they were employed -

PRESIDENT: Well, this is management of a work unit -

MR VINES: Yes. If a person -

PRESIDENT: - and it does provide high level financial advice and it does give broad direction - or broad direction is given in relation to finance - some financial controls. And formal qualifications would be desirable for some specialist tasks. So there could be a bit of a clash there.

MR VINES: I wouldn't necessarily see, sir. That sort of advice you don't need to be an accountant to give it. It could the person may have an accounting qualification -

PRESIDENT: So you wouldn't see an accountant being appointed to such a position?

MR VINES: No, that's not what I'm saying. I wouldn't see the position as being an accountant position.



PRESIDENT: But it could be.

MR VINES: Somebody with accounting qualifications could well be appointed to it.

PRESIDENT: But it could well be. I mean under that description, that position could well be an accountants position.

MR VINES: It could well be, but this is where we come back to whether it's predominately a professional position or a management position. If it's predominately a professional accounting position we would see it covered under the accounting - the Professional Award. If it is a management position that requires accounting qualifications, but predominately a management position, we would see it as fitting into this scale.

Level 8, which is what we see as the most senior level in the administrative and clerical ranks, is what we would be calling a manager. The essential differences between level 7 and 8 are that a manager at this level would be managing a discreet or autonomous work unit and therefore is more independent than level 7. They receive limited direction and have an important role in setting budgets for work, for the work unit. They would be responsible for efficiency and effectiveness for the area managed. Thus in some instances the buck would almost stop there.

They would report to the chief executive officer of the department or to a senior management group within the department. We would see that they would play a significant role in developing policies and setting objectives, whereas a level 7 is given broad discretion in these areas. They are clearly more autonomous and responsible than level 7. We would see that high level management skills are necessary. The position is characterised by significant independence and autonomy of action.

Level 8 - function - we would see that they manage a discreet autonomous work unit, a significant role in the development of policies and the setting of objectives for the area. Their level of responsibility is such that they would have substantial influence in the setting of budgets for the area within policy; they'd be responsible for the efficiency and effectiveness of the area managed; their level of supervision would be such that they would receive limited instruction on overall objectives; they'd would report to the senior executive officer or to a senior management group; their qualifications would be extensive and wide-range in experience; management skills in resource, human and material management at a corporate level.

In summary on the clerical structure it's our view that there are quite clear distinctions between the levels. We don't see that it's necessary for there to be created more than eight levels, particularly when we consider there is a senior executive service and a chief executive service over and above this level; we believe that the proposals that we have put for classification

guidelines cover the range - or can cover the range of clerical and administrative work necessary and performed throughout the whole of the State Service.

COMMISSIONER WATLING: Do you see any overlap between the senior executive service and the top of this clerical administrative stream?

MR VINES: Not - not - not with that stream, sir, because one takes over where the other cuts out.

COMMISSIONER WATLING: So, if for example your proposal was to go on to a level 9, you'd see that the start of the senior executive service?

MR VINES: Yes, that's right - the next step is SES.1.

COMMISSIONER WATLING: Right.

MR VINES: If I can now turn, Mr President, to the professional stream.

COMMISSIONER GOZZI: Just before you do, as you know the government's proposals envisage 12 levels in the admin and clerical structure. Are you able to point to what the essential reasons - differences are between the TPSA and the government in respect of the number of levels? Is it just a case of the way that you've broadbanded?

MR VINES: Generally speaking - I mean we've put our resources into developing our proposals - not to find holes in or to spend or waste time looking at the government's proposals. Some of the areas that have been particularly pointed out to me are at the lower levels - they see I think two classes where we one. They have retained one of their levels to look after about seven people in the Department of Treasury and Finance - people who are currently Class XVII employees. There's another classification level that we don't believe is necessary because it covers another very small group of employees. I mean the differences aren't major, it's just that we haven't - we have been more realistic at the bottom in trying to solve what we see as a serious problem and we haven't kept individual structures for small groups of employees - are the main differences.

COMMISSIONER GOZZI: What's your view with respect to junior employees?

MR VINES: You asked me that before, sir.

COMMISSIONER GOZZI: Yes, I know - I thought I'd ask you again.

MR VINES: Yes, I wonder if I'll give the same answer this time? Our view on junior employees is that -



COMMISSIONER WATLING: Well I'll be listening intently.

MR VINES: I might ask to check the transcript first, Mr Commissioner. Our view on junior employees is that they should be paid for the work they're doing if they're working at a level equivalent and performing tasks equivalent to an adult they should be paid the same as an adult.

COMMISSIONER GOZZI: And you don't see junior employees encompassed in this award though - in the A and C Award?

MR VINES: Yes, yes.

COMMISSIONER GOZZI: Where? Where do you see that?

MR VINES: At - well, whatever - where - primarily I'd imagine most of them would be level 1, but you could employ a junior at any of the levels.

COMMISSIONER GOZZI: Oh, so, okay, just for clarification the, where - your level 1 encompasses a junior -

MR VINES: Whilst they're a trainee?

COMMISSIONER GOZZI: - yes - percentage of - the normal percentages applicable to the rate that you've shown in your proposal?

MR VINES: No.

COMMISSIONER GOZZI: No? How does it work?

MR VINES: No, we have said that if they're performing the work of an adult they get paid the same as an adult. We - we haven't proposed the continuation of junior rates.

COMMISSIONER WATLING: So you could have a junior on level 2 or level 3?

MR VINES: Arguably - that can happen now - a junior can -

COMMISSIONER GOZZI: But you don't see any junior classifications being maintained in the award at all?

MR VINES: No, we don't believe that's any longer appropriate.

COMMISSIONER GOZZI: So not even the age -

MR VINES: No.

COMMISSIONER GOZZI: - and the percentage rate?

MR VINES: No, not if they're performing the same work as adult. You classify them exactly the same - an 18-year-old should get paid the same for working a typewriter as a 28-year-old.

COMMISSIONER GOZZI: So currently, as you're aware, you've got your junior rate predicated on the 21-year-old A and C rate -

MR VINES: Yes.

COMMISSIONER GOZZI: - and you'd - you'd - on this proposal that you're putting forward that would go by the way?

MR VINES: That's correct, yes. The professional stream, Mr President and Commissioners is one that I'm sure the Commission is aware is - has been something that the PSA is pursuing this form for several years now in a range - or in a series of false starts in many years of negotiations, but the position that we have adopted has been quite standard the whole way through. The professional structure - you will recall earlier this morning I gave what we saw as the definition applying to the professionals - the one of three categories that would apply. We propose that people who meet those criteria or positions that require qualifications that meet those criteria can be classified into one of five levels within the professional structure - the five levels being: level 1 - a graduate, level 2 - a practitioner, level 3 - a senior practitioner, specialist, supervisor or project leader, level 4 - a senior specialist or manager and level 5 - an eminent specialist or senior manager.

Level 1 - the graduate - level 1 we propose is the level for a new graduate - somebody straight out of university. They - this level are basically subject to close supervision and specific direction by other professional staff. We see it as a learning or training phase where the theoretical - theoretical knowledge is put into practice under the watchful of other senior professionals. They may further on through the level 1 scale be involved in the supervision of non-professional staff. The function we see at level 1 professional are that assignments may be of a limited scope and complexity and may comprise a minor phase of a broader or complex assignment. They assist more senior staff in the carrying out of complex technical tasks and procedures. Their responsibility is at the level of selection and application of established principles, procedures and methods and the exercise of judgment and initiative in recognising the significance of deviations from the norm where standard approaches are used.

They may assign, coordinate, and check work of subprofessional staff required to work on a common project.

Level of Supervision: is such that work may be specifically directed and closely supervised by a higher level professional staff.



Work is assigned by oral and/or written instructions which may include detail of methods and procedures to be followed.

Qualifications: Are a sound theoretical knowledge going through to a satisfactory completion of an appropriate course of study at a recognised tertiary institution.

Now in relation to that qualification, this goes back - and I will repeat what I indicated before - that these are very much generic classification standards.

They're of course going to be distinct qualification requirements for the different occupational groups.

We see the minimum as being those three categories I referred to before which are primarily a university degree but, quite clearly, position descriptions will state the required qualification, be it a Bachelor of Science or a Bachelor of Engineering and, indeed, the level of that degree, whether it be a bachelor's degree, a master's degree, or some higher degree.

The progression, we believe, from level 1 to level 2 is as outlined - sorry, these pages aren't numbered - but four pages on:

An employee who has served for twelve months on the maximum salary rate prescribed for Level 1 shall be promoted to Level II subject to the fulfilment of the requirements necessary for appointment to such level.

All other procession between levels will be by promotion in accordance with the Tasmanian State Service Act.

So we see that level 1 to 2 is semiautomatic, subject to people at level 1 being able to demonstrate and/or satisfy people, superiors, that they are able to operate at the level 2 practitioner level.

COMMISSIONER GOZZI: Mr Vines, just before you go too much further on level 1, a number of questions I have in respect of that level.

The first goes to the hearing on the last occasion where Mr Hanlon indicated in diagrammatic form in Exhibit H.10 the differences between the professional engineers, on the one hand, and -

MR VINES: His perception of the differences, sir.

COMMISSIONER GOZZI: Well, his perception of the differences, put it that way, but certainly if you look at the APEA Level 1 the incremental range is the same. It seems to be a longer trail, but you have in your proposal a shortened level 1. I am not quite sure how to read the difference. What, if any, are the

differences between your proposal, the HEF proposal, and the APEA proposal for that level?

MR VINES: I'm not - the HEFs is the same as ours. I'm not an expert on either the APEAs or the government. I would say the differences being as we see whilst there is what we call the soft barrier between level 1 and 2, that it is a semi-automatic progression - they are two distinct levels.

Level 1 is people who are acquiring the skills. They are translating what they have worked at university through workplace application, they are learning general work skills, and those sorts of things. Once they have achieved those they move on to level 2.

Now I am not familiar enough with either the APEAs or the government's to see what the difference is, although I notice with the way it is written on the government's they have practitioner almost equating with where our level 2 comes in. So I assume it's quite similar, it is just a different way of drawing it.

COMMISSIONER GOZZI: So, what were you saying again this morning about the APEA as far as their award coverage is concerned? Did you have some arrangement with the APEA?

MR VINES: Oh, no. Only to say this morning that that award would be retained. That's the breadth and depth of my submissions on behalf of the APEA.

COMMISSIONER GOZZI: Alright. Well, are they respondents? I can't recall from the exhibit.

MR VINES: Yes, they are.

COMMISSIONER GOZZI: To some of -

MR VINES: Yes, they have already lodged an appearance in this matter.

COMMISSIONER GOZZI: Yes. But to some of the awards that you're now seeking -

MR VINES: No.

COMMISSIONER GOZZI: They are not?

MR VINES: No. They only cover engineers, and we don't cover engineers.

COMMISSIONER GOZZI: Right.

MR VINES: Or we are not a respondent to engineering awards, I should say.



COMMISSIONER WATLING: In view of the fact, though, that we are looking at a professional stream, should we not consider the question of professional engineers?

MR VINES: Oh, of course the Bench should, sir, but I don't have a position to put to you in relation to professional engineers.

COMMISSIONER WATLING: Right. Just another question. If I were a dietitian and I was going to be employed at the Royal Hobart Hospital and there is a requirement to have a degree and a postgraduate diploma, where would you fit me in in your proposal? Keeping in mind -

MR VINES: A new graduate?

COMMISSIONER WATLING: Yes, a job requirement is that I have a degree and a postgraduate diploma.

MR VINES: I would assume that's a 3-year degree and a 1-year post-graduate diploma?

COMMISSIONER WATLING: It could well be.

MR VINES: Well, at the 4-year starting point. What we've proposed, or what I understand our claim to be, is it is depending on the length of training, so somebody with a 4-year degree starts at a particular level somewhere, and with a 3-year degree if they have done a 1-year associate diploma, or a 2-year graduate diploma.

COMMISSIONER WATLING: Right, but where do we find this from your classification guideline?

MR VINES: Well, that doesn't come as a classification guideline, that becomes as part of the salary claim.

COMMISSIONER WATLING: Of salary. Well, what's the heading called? Am I blind, or something?

MR VINES: Graduate. But if somebody -

COMMISSIONER WATLING: Classification Guidelines, isn't it?

MR VINES: Yes.

COMMISSIONER WATLING: Well, where would they start within the level?

MR VINES: As a graduate, but the increment level they would start within that level 1 range would vary, on the degree of their training.

COMMISSIONER WATLING: Yes, right, and you haven't got to discussing increment levels?

MR VINES: No, I haven't -

COMMISSIONER WATLING: I understand that, and I'm trying to keep them separate, but I was just wondering where you would place that particular person, as a straight graduate or as a practitioner.

MR VINES: Oh, no, they are still a graduate. Somebody who has come straight from university. Even somebody who has gone through and done a masters or a PhD they would still be a graduate if they're just coming straight out of college, but they would start at a different level, but they are still called a graduate.

COMMISSIONER WATLING: Right.

COMMISSIONER GOZZI: Currently we have in our professional awards provision for diplomates. Where do they fit in? Do they fit under that graduate -

MR VINES: Well, diplomates are 3-year trained. When we talk on salaries we will be putting a proposal that they be separate starting points, depending on the years of training, within level 1.

COMMISSIONER GOZZI: Within level 1?

MR VINES: Within level 1. Because graduates can come out - I mean, even undergraduates can come out with anything from 3 to 6 years training.

COMMISSIONER GOZZI: Yes. I was just trying to equate it to the diplomate starting on year 1 and the graduate starting on year 2, and a degree holder with a graduate diploma further up the scale than that.

MR VINES: Yes, that's correct.

COMMISSIONER GOZZI: That's what you envisage in respect of this here as well?

MR VINES: Yes.

COMMISSIONER GOZZI: And again on the - in relation to rates of pay - you're going to come to that later on?

MR VINES: Yes - because they're not -

COMMISSIONER GOZZI: Because obviously -

MR VINES: - part of these submissions that I'm putting to the Commission this afternoon. All I'm doing this afternoon is answering those questions and the TTLC will take off from where - take on from where I leave off -



COMMISSIONER GOZZI: Yes.

MR VINES: - and then we'll be arguing the question of dollars and translation as is the next stage of this.

COMMISSIONER GOZZI: Because the obvious question that arises there in respect of rates of pay - we might as well announce it now - is that there was a Full Bench that looked at entry points for graduates and diplomats and degree holders with a graduate diploma some time ago and I think the entry point was round about \$24,000 and that only goes back some, what, 18 months or so - maybe a bit longer - 2 years?

MR VINES: Oh no, it's longer than that now, sir.

COMMISSIONER GOZZI: Is it longer than that?

MR VINES: Time flies. It was about 3 years ago I think, Mr Commissioner.

COMMISSIONER GOZZI: The case I'm talking about is the podiatrists and dietitians case and son.

MR VINES: Yes.

COMMISSIONER GOZZI: That long ago?

MR VINES: At least I'd say.

COMMISSIONER GOZZI: Alright. As you say, we'll get into that further down the track obviously.

MR VINES: Yes. Level 2 - practitioner, we would see the essential difference between the practitioner and the graduate is that at this level the graduate has become experienced. They can now perform the normal professional work as opposed to assignments of limited scope and complexity and minor phases of broad assignments. They may be required to solve complex technical problems. They have greater independence than at the graduate level; they select appropriate principles, procedures and methods and exercise independent judgment and initiative. They may give professional guidance to less experienced at level 1 whereas the level 1 people of course don't give professional guidance. Professional direction given to limit to level 2 is limited whereas somebody at level 1 is specifically directed. We see the functions of a practitioner as involving normal professional work where assignments may be broad in scope and involve complex technical problems; their level of responsibility is such that they exercise a higher degree of independence in the selection and application of established principles, technologies, procedures and methods and they exercise independent judgment and initiative in recognising when established approaches require amplification, adaption or modification.

They may assign, coordinate and check work of subordinate staff required to work on a common project - they may give limited professional guidance to others. They receive specific direction as - given as to objectives. The professional directions are limited to unusual features of assignments guidance may be required for the more complex approaches.

The qualifications - they'd require sound theoretical knowledge gained through satisfactory completion of an appropriate course of study at a recognised tertiary institution; they would need demonstrated skills and experience in professional communicative and administrative aspects of the work.

PRESIDENT: Just on the last section there dealing with supervision - and I don't want to be too pedantic - but how easy will it be to distinguish between professional directions being limited to unusual features and guidance being required for more complex approaches - they almost seem to be the same sort of thing with different words.

MR VINES: No, not necessarily, sir. Complex can be something that's normal but more difficult than others, unusual is something that is out of the norm.

PRESIDENT: Mm. Then how would you -

MR VINES: You know, it might be one-offs.

PRESIDENT: And how would you distinguish between professional direction and guidance?

MR VINES: Direction is something where you are taken in; you're said this is how you will do it - this guidance is when you are taken in and said this is how you could do it or how you should do it, but direction is when you're telling somebody - guidance is when you're advising somebody.

PRESIDENT: Yes, I understand that. I just wonder whether that -

MR VINES: Oh, I think -

PRESIDENT: - will be the case when in practice.

MR VINES: Well I would - I don't see the -

PRESIDENT: It's a bit -

MR VINES: - I don't see the confusion and I think it - I think it - people with appropriate management skills should be able to detect those sort of differences, which, as you know, it seems - as I might see, Mr Commissioner, might be difficult within the State Service. But level 3 is what we're calling the - or people appointed at this level would be senior practitioners, specialists, supervisors or project level - as project leaders.



The essential differences - firstly in relation to the senior practitioner at level 3 the professional carries out novel, complex or critical professional work without technical review by senior professionals. They may seek advice from consultants on extremely complex issues. There is a clear difference in the terms - in terms of objectives, whereas a level 3 gets general direction in terms of objectives and priorities - level 2 is given specific direction in terms of objectives.

The difference with a specialist at this level is that first - it's the first level for a specialist who performs highly complex, novel or critical activities in an aspect of professional work where it is necessary to select or modify approaches and the other differences it relates to supervisory and project leader positions that may - the position may - or a position at this level may also incorporate elements of those three categories of senior practitioners, specialists and supervisor.

The level 3 professional who is a team leader may coordinate work of a number of professionals or other staff - some of those people they coordinate may be of a different discipline so that we start getting into project teams whether they be project teams of health workers or you might have a scientist or radiologist or nurse or of construction employees where you may have an engineer, an architect, a surveyor.

Specialists require substantial or higher knowledge in a particular professional discipline or field and will be required to exercise independent professional judgment in their work. The function of the supervisor project leader is the sustained supervision of an activity or program or small work unit involving normal professional work.

The function of a specialist is highly complex, novel or critical activities in an aspect of professional work where it is necessary to select and/or modify and adopt established principles - adapt that should be - established principles, technologies, procedures and methods, or at a senior practitioner - novel, complex or critical professional work. And as I said a position may have a combination of those three activities.

The supervision - general direction is given in terms of objectives and priorities including critical areas which may impinge on work of other units, decisions concerning normal professional work are not usually subjected to technical review.

Expert professional advice may be obtained from consultants to resolve highly complex issues. The qualifications at level 3 - again a sound theoretical knowledge, wide experience and the relevant professional activity demonstrated capacity to manage human and material resources and a mature application of highly developed skills and professional activities.

Level 4 is moving into the first level of management, as opposed to supervision of the professional area. It is also moving into the area that we call senior specialist.

At this level the manager is more than a supervisor or project leader. They're responsible for professional, economic, and administrative management at a professional work unit. They're allocated and responsible for significant human and material resources. They organise and control the work unit, whereas the level 3 merely supervises a smaller work unit.

The senior specialist would provide practical and economic solutions to highly complex professional problems. They may be a supervisor of other specialists. They may have broad direction given as opposed to general direction at level 3, and the specialist is a recognised expert.

At level 4 the manager leads and directs an organisational elemental team of professionals and other staff. It requires considerable coordination. The manager is responsible for the human, physical, and financial resources under their control.

A senior specialist at that level would be required to provide technical or policy advice which draws on in-depth knowledge in a professional or technical field or discipline. It would be expected that the senior specialist would make an original continuing contribution to knowledge in a relevant field.

The functions at that level: Firstly for the manager are the professional, economic, and administrative management of a professional work unit engaged in complex activities or programs requiring the allocation of significant human and material resources.

A senior specialist function is the provision of practical and economic solutions to highly complex professional problems in an aspect of professional work, and again a position may have a combination of both those supervisory and specialist functions.

The responsibility for the manager is to organise and control strategic, professional, economic and administrative aspects of the work unit engaged in complex activities or programs.

The senior specialist responsibility is to exercise originality and ingenuity for devising practical and economic solutions to complex problems.

Authority may be exercised over other specialists engaged in complex professional applications.

The supervision that applies at level 4 is broad direction is given for overall policies, objectives, programs and financial controls. Decisions are not subject to professional review, but



may be reviewed for policy soundness and approach and economic effectiveness.

For the senior specialist broad direction is given on strategies and financial constraints, but decisions are not subject to professional review.

Qualifications required at level 4 include management skills, an extensive experience in the management of human resources and material resources, and for the senior specialist advanced technical knowledge and extensive experience in a relevant professional activity to the extent that the occupant is required to be a recognised expert.

The senior level within the professional stream is that of level 5, who we refer to as a senior manager, or eminent specialist.

The essential differences between 5 and 4 are that a senior manager manages a major professional work unit. The unit may be involved in strategic programs or activities, may involve the coordination of a number of sub-units. The unit would be engaged in activities or program involving significant professional, economic and administrative policy issues at a corporate level.

The major resources are under the direction of the senior manager.

With an eminent specialist they provide a consultancy service, possibly at a national level, they provide it to internal and external clients, and we would say that at that level there would need to be a national recognition of people appointed at level 5 as an eminent specialist.

The senior -

PRESIDENT: What does that mean, a national recognition?

MR VINES: Well, it would mean that people outside Tasmania recognise the expertise in the given field of activity of that person. They would have to be clearly well published, they would have to be well noted as an expert, as a specialist in their field.

A senior manager at this level -

COMMISSIONER GOZZI: Is that practical?

MR VINES: Oh, definitely, sir. There are a range of people within the State Service now who would fit into that criteria, without any doubt in some of our professional groups. Particularly in areas such as environmental policy, in forestry, in areas within health and hospitals. We have recognised experts within the Tasmanian State Service.

PRESIDENT: I think the question really is, how do you measure it? By counting up the number of published papers?

MR VINES: No, you don't. I mean, of course it is another subjective thing, but I mean most assessments of this kind are. It is a matter of saying, well, look, you know, is this person big down the Huon, or is he big when he walks into a conference in Canberra? I mean, it is very much a peer assessment within professional ranks as to whether somebody is recognised.

COMMISSIONER GOZZI: What's it got to do with your peers, isn't it with your employer?

MR VINES: No, not necessarily on professional areas. No, the employer takes into account the peer assessment, is what I would mean there. Of course the employer is the one who is in the first place determining the classification, but recognition within a profession is dependent on your peers. Like your employer might think you're a great bloke, but your peers might think you are a complete dill.

COMMISSIONER GOZZI: But, I would have thought -

MR VINES: Not speaking personally, Mr Commissioner.

COMMISSIONER WATLING: I've yet to find one to say that, though.

COMMISSIONER GOZZI: But, doesn't it come down to a work-value assessment of you? I mean, what's it worth to the employer? I mean, you could have eminent people here, as no doubt there are, who are not known of past Oatlands. Well, that's probably exaggerating, but certainly not outside the State.

MR VINES: I would doubt that, Mr Commissioner. I think when we are talking about senior professionals at this level, people who are operating at such a level would be recognised outside the state. I mean, Australia is not that big a country. I think there is recognition given to the skills that people hold.

COMMISSIONER GOZZI: I suppose what I am picking up here, Mr Vines, is the total subjectivity of that. I mean, level 4 you can measure and assess advanced technical knowledge in the sense of experience. It's a bit difficult to try and come to grips with something that is quite so subjective. I mean, at the end of the day it has to be the worth to the employer, doesn't it? I mean, what the job is classified at, the work-value aspects, and those type of things.

MR VINES: Yes, of course it does, sir, and I don't disagree with the concern on the subjectivity of it. However, I think it is a widely accepted and widely used criteria, particularly in professional ranks, that question of national and in some instances international recognition. Indeed, it is even - looking



at some of the executive positions that are advertised in 'The Australian' and the 'Age' of a weekend.

You can see precisely that sort of statement standing within his profession, or recognition within his profession.

PRESIDENT: Or hers.

MR VINES: Sorry?

PRESIDENT: Or hers.

MR VINES: Or hers. I think it is a peer assessment, it's an assessment by a professional community. I agree that it is largely subjective, but it is one that seems to have a fair degree of acceptance.

PRESIDENT: Before you move off those, Mr Vines -

MR VINES: I haven't finished level 5 yet, sir.

PRESIDENT: Haven't you? Oh, right, I thought we had got to the end of it.

MR VINES: You must have been so excited you read ahead of me.

PRESIDENT: I thought we were down to the bit about experience recognised nationally.

MR VINES: I'm just reading from my notes before I go into the detail here. Just giving you a brief precis before we jump into the cut and thrust of it all, sir.

PRESIDENT: Oh, good.

MR VINES: At this level we see that the functions of the senior manager, eminent specialist, as such that they're required - or the senior manager is required - to undertake the management of a major professional work unit engaged in strategic complex activities or programs, involving significant professional economic and administrative policy issues at a corporate level.

The eminent specialist is required to provide the provision of practical and economic solutions to highly complex, technical problems, in an aspect of professional work where the institution is required to provide consultancy service at a national level.

Responsibilities: For a senior manager, to organise and control all strategic and professional economic and administrative aspects of a work unit where the decisions involve the establishment of major strategies which have critical internal and/or external resource implications, whereas the specialist, that's for the provision of an efficient and effective consultancy service, to meet internal and external clients' needs. With supervision,

administrative direction is given on the institution's policies and objectives, and to ensure coordination with other major work units.

The qualifications for a senior manager are management skills and extensive experience in the management of human and material resources, and a demonstrated capacity to conceptualise, develop, and review major professional, economic and administrative policies at a corporate level.

And for the eminent specialist: advanced professional knowledge, skills and experience recognised nationally.

To conclude on the professional stream, Mr President, we would say that there are quite clearly differences between those levels, and we believe that in the main the professional occupational groups can be catered for within those levels.

It has been put to us by some work areas and, indeed, some departments, the merit in considering either grades or spot salaries at level 4 and 5, which we don't dismiss, but we would recognise that classification standards would need to be developed to clearly specify the difference between grades at those levels.

We would maintain that our standards are broad enough to encompass the various levels of work in the various professional fields.

COMMISSIONER GOZZI: But I thought, looking at the salary range, that you would automatically have grades at level 5. I mean, you have got a range from \$60,000 to \$67,000, so that would have -

MR VINES: That's why we say they can be accommodated.

COMMISSIONER GOZZI: Yes.

MR VINES: Yes. But our claim was not seeking that.

COMMISSIONER GOZZI: So, you haven't got a 1st, 2nd year, you have a distinctive job, there is no progression, the jobs are classified within that salary range?

MR VINES: That's correct, yes. However, what we're saying is we believe your suggestion of grades can be well accommodated at that level and, indeed, without variation to the salaries as claimed.

Did you want to interrupt me?

PRESIDENT: Yes, no, just before you move off -

MR VINES: Sorry, not interrupt me, sir, to raise further issues.

PRESIDENT: - this one, Mr Vines. If these class. guidelines would be, I presume, inserted in the award -



MR VINES: Yes, sir.

PRESIDENT: Would it be necessary then, do you think to, say, in the qualifications area, that the appropriate qualification, the key qualification should be held? It doesn't seem to mention that specifically.

MR VINES: Ah, yes, well, I -

PRESIDENT: It does, of course, in the graduate level, but it doesn't for levels 2 to 5.

MR VINES: Yes, sir, I would say that it was taken as read, but, yes, it is probably more descriptive to include a line in there.

PRESIDENT: Yes. I mean, because there would be lateral entry, wouldn't there?

MR VINES: Yes, yes, yes.

PRESIDENT: So, there would have to be -

MR VINES: Yes, I accept that, Mr President. But, yes, to answer that question, it is very strongly our view and, indeed, it's a very basic part of our proposals that classification standards do to into the awards, and the position descriptions are drawn from those standards.

The final stream, sir, that I wish to address the Commission on, and it's the final part of my submission on these aspects, before I move over for my colleague, is the technical stream.

The technical stream that we have proposed is that of a 6th level technical classification structure.

The six levels that we have proposed - because of the diversity of occupational groups that would be covered under this - we have not titled them, with the exception of level 1, which again we are calling a 'trainee', or in some instances, an unqualified person who comes in and gets qualifications on the job.

Level 1, we see, as I say, the trainee, an unqualified level. It is a level for an employee who is undertaking a course of study required for progression to level 2.

The emphasis is very much on skill formation, and at this level they are closely directed.

The work required equates progressively to the level of the theoretical knowledge being gained by the trainee while undertaking his or her course of study, or experience.

Initially it would be limited in scope and complexity, and it expands the knowledge and experience gained.

They would have detailed technical direction given, and close technical supervision would be exercised over all of the work performed.

The function of these people would be to apply standardized practices and procedures in the conduct of a range of interrelated technical activities.

Their responsibility would be for using developing expertise, experience in technical skills as a trainee technical practitioner, with a single discipline or in a particular aspect of a single discipline.

They would work under close direction, and they must have satisfied the educational standards for entry into a course of study, leading to an appropriate qualification. The appropriate qualification, of course, depending on the nature of their technical field, be it a technical forester, and environmental control officer, or whatever.

Level 2: the essential difference between level 1 and 2 is that this is the level for the qualified technical employee.

They would be requiring less supervision at this level, they would be undertaking activities on an individual basis, they apply conventional practices, methods or standards, under general technical direction and general technical supervision.

They may adjust, adapt, interpret, or modify conventional approaches where necessary. They may apply and administer regulations. They may work in a laboratory field office, or as an individual, or part of a team.

The function for these people is to apply standardized practices and procedures in the conduct of a range of interrelated technical activities.

Their responsibility is to use expertise, experience, and technical skills, as a broadly-based technical practitioner, within a single discipline or in a particular aspect of a single discipline.

They would be working under general direction in activities undertaken on an individual basis.

Their qualifications would be an associate diploma, which equates to 2 years full-time at the TAFE accredited standard, or a technical certificate, or an equivalent technical qualifications, or accredited relevant experience mostly in a closely related field or work.



Level 3: the essential difference between 3 and 2 are that the technical employee at this level may determine which standard practices should be applied.

They may be a project leader, or may perform work spanning more than one discipline.

This is a level for developing or senior practitioners for specialist or project leaders.

At this level the employee may significantly adjust, adapt, interpret, or modify conventional practices, methods and standards. They may coordinate and supervise technical work as a project leader of a small number of staff, and considerable technical knowledge, experience and judgement is required.

Their functions are to use knowledge in a discrete technical discipline, to determine which standard practices and procedures should be used and applied in the course of technical operations.

Their responsibility is specialisation in a single discipline is likely to be evident, and issues encountered involving the application of technical judgment.

Their supervision is under general direction. The work performed may span more than one discipline either as an individual operator or within a team, or may lead project teams on minor technical projects.

Level 4 -

COMMISSIONER GOZZI: Sorry, just before you leave that one, Mr Vines. There is no incongruity between a specialisation in a single discipline as a responsibility, and being able to work - for work to span more than one discipline? So, he can specialise in a single discipline, that's their responsibility, but do you see them working in more than one -

MR VINES: Potentially. They would need to have a particular knowledge in one area, but be able to have a general knowledge that can be applied across fields. That is particularly in areas such as the Department of Primary Industry where we have different areas in plant services, for example, in animal services. You may have, say, in animal services, you may have somebody who is an expert on sheep, yet he is able to supervise people who are involved with cows and horses as well.

Level 4: the essential differences between a level 4 and a level 3 is that the employee at this level determines and develops methodology as opposed to selecting from standard procedures, significant technical responsibility. They may be working as a specialist either on an individual basis or with a team, or as a senior member of a team, involved in more complex projects than that envisaged at level 3.

The technical supervisor at this level would oversee work of a number of technical and other staff, and a unit may be engaged in a conventional or specialist technical work.

At this level their function is to use technical expertise and experience, to determine and develop methodology, and to adhere to proven techniques in providing technical services.

The responsibility is significant. Technical responsibilities may be exercised. Work performed either on an individual basis or as a discrete specialist within a multidisciplined team, or performed as a senior member of a single discipline project with various levels of subordinate complexity.

Their supervision, general direction received on priorities, direction is received on specific objectives, and guidance on more complex approaches.

Level 5 is the second most senior level that we see within the technical range.

Compared to a 4 this person plans, directs, controls, and evaluates technical operations, and may provide analyses in the interpretations to management. Thus they have a broader management role in supervisor at level 4.

Managerial expertise is also called for at this level.

They are required to exercise significant levels of initiative, thus they have more autonomy than level 4, and level 5 is only given limited direction in relation to objectives.

At level 5 the technical manager uses technical knowledge, expertise, and evidence to determine technical objectives and priorities, and to conduct technical support activities within the agencies' operating programs.

They may interpret relevant policy, set standards, evaluate performance, and resolve complex technical problems.

An employee may also be recognised as a technical specialist.

Our guideline here describes their function as developing appropriate methodology, and applies proven techniques in providing specialist services. The planning, direction, control and evaluation of technical operations, and may include providing analysis and interpretations of results to management.

Their responsibility requires the exercise of significant levels of initiative in the accomplishment of technical objectives.

Managerial expertise, exercise in the control of either a major single discipline organisation, or a multidiscipline operation.



Their supervision is under limited direction in relation to broad objectives, and they assist and advise in the setting of priorities.

Our most senior technical person is one appointed at level 6. They at that level are involved in complex activities or programs, and they may make policy decisions.

They operate clearly at a higher level than 5. They may head the work of a major group or production operation. They have high levels of managerial expertise. They coordinate and direct a variety of technical programs, and determine technical objectives and priorities.

They operate at a higher level than an employee at level 5. They may have some independence of action within guidelines. They operate with significant autonomy, and may also be a technical specialist.

They're required to provide technical management and coordination of two or more significant work units involved in complex activities.

Their function, as described in the guidelines, is:

- Involved in complex activities or programmes.

- May involve policy decisions.

- May be technical specialist.

- Generally the recognised head of a major work group/production operation within the organisation.

- Responsibility

- Requires high levels of managerial expertise and competence to coordinate and direct a variety of technical programmes.

- (This may entail determining technical service standards and priorities (generally in conjunction with professional staff) within operational directives and constraints of resources).

- Uses technical knowledge, expertise and experience to determine technical objectives and priorities, and to conduct technical support programmes and sub-programmes within the framework of divisional operating programmes.

- Supervision

- Responsible to senior manager.

- May have independence of action within guidelines.

In conclusion on the technical stream, Mr President, members of the Bench, again we say that there are clear and definable differences between the six levels. We believe the scale and the guidelines are sufficiently broad to cover the full range of technical pursuits within the state sector. And we believe that

the number of levels is appropriate for the nature of employment within those levels.

That, sir, concludes our submission in relation to those three streams on the questions - on the first four questions that have been asked by the Bench. We would maintain that our proposals on the three streams are such that can be effectively implemented within the State Service. They will meet the requirements that are envisaged in the wage fixing principles to - particularly through the introduction of broadbanding and multiskilling.

It is our strong view that they will provide sufficient and significant improvements in productivity and efficiencies within the State Service, and we believe that the sooner we can embark on the process of having these restructured awards implemented the sooner we can start to deliver some proper jobs and proper careers and some proper work practices into the State Service.

If I can leave my submission there, Mr President, and further on in the proceedings come back in relation to those other matters that are salary related for the streams.

PRESIDENT: Sorry? What was the last -

MR VINES: To come back in relation - through these proceedings in relation to the salary matters associated with the streams.

PRESIDENT: Salary matters, yes.

MR VINES: Yes. If the Commission pleases.

PRESIDENT: Yes, we'll certainly have to pay a lot of attention to those particular issues, Mr Vines. Particularly having regard to the sorts of salary ranges that are evident in the original claim.

MR VINES: Yes, sir. If the Commission pleases. Mr President, I will have to do a swap here so Mr O'Brien can move over anyway, but I had earlier indicated to the - to yourself, if I can take leave of the Commission due unfortunately to another engagement that I'm not able to get out of at this stage.

PRESIDENT: Well, you've done well to meet your -

MR VINES: It wasn't bad, was it, sir?

PRESIDENT: - your timing.

MR VINES: Thank you, Mr President.

PRESIDENT: Yes, thanks, Mr Vines. Yes, Mr O'Brien?

MR O'BRIEN: Thank you, Mr President, members of the Commission. .... come in when the light's dim, but I'll take it from there.



COMMISSIONER GOZZI: The following .... a bit.

MR O'BRIEN: Has it, oh, that's good to hear. It'll take me a while to see it. If the Commission pleases, the TTLC has been given the task of addressing those first four questions at the top of page 4 in relation to the operational stream. And I might say that in relation to this stream, I think the questions are more difficult than they are in relation to others.

The first of the questions was to address you on the extent to which existing awards are to be absorbed into or mirror the proposed stream. In this area we have a mixture of awards within this jurisdiction and within the jurisdiction of the Australian Industrial Relations Commission, having effect on employment in the state public sector.

We also see the delineation of the award coverage partly by classification or job description rather than by agency or part of agency description, although that can be a factor. In fact it is by the work that the awards and, indeed, often union coverage is often demarked. To simply put a common operational stream in effect in each of those awards would be to create chaos. Obviously there would be awards which at this stage by scope would not be different, substantially different than other awards, but which would now be delineated by the - the classifications contained within them and/or the definitions of those classifications.

And so it isn't a simple proposition to put a stream into the - each of the awards, say, nor is it a simple proposition for the award coverage together, not the least of the problem being the existence of award coverage in both this and the Australian Industrial Relations Commission jurisdiction. So it will be necessary for individual organisations to address the Commission on their views as to what should occur with their particular award; and that will only partially address the matter insofar as there are awards of the Australian Industrial Relations Commission which impact on this area.

The problem that that poses has in part been addressed by the proposal of the Tasmanian Trades and Labor Council with a coordinated document to follow a substream approach, and that is to establish a general operational services stream and to flow that through by means of a - an industry substream which broadly reflect industry developments and definitions, skills standards and training provisions.

That is on page 19 of the TTLC documentation. And, that approach is one which seems to differ from the approach of the government with regard to the application of this stream. Although, I must say, I don't have an indepth understanding of how they would propose to apply a common stream across the variety of awards.

So, the answer to the first question is that complex statement that we would need to establish a stream and then develop a strategy to flow it into industry substreams. I might say that - a change in hats briefly - my organisation's approach would be to mirror the relevant parts of the operational stream into the award to which my organisation is a party, namely the Miscellaneous Workers (Public Sector) Award. And, I imagine, that that is the sort of approach which others would take. The Tasmanian Public Service Association has, indeed, suggested that they would retain their General Officers Award and would reflect relevant parts, if not all, of the stream in that award.

I might say that that approach is one which poses some difficulty because that would inevitably mean that the two awards would apply to, in part, the same area. And, so that's why I'm trying to suggest that this is a little bit more difficult as an area to approach than it would be in some of the other areas where there isn't the same problem as to the existing award coverage. That is, that the existing award coverage tends to be broken down by agency or by particular professional groups which are more easily pulled together .... one organisation's coverage than by job or classifications within the same agency or subagency.

COMMISSIONER WATLING: So, does that get down then to a question of having a separate scope for the operational services stream and the general officers stream.

MR O'BRIEN: Separate scope for the operational services stream and the general officers. Well -

COMMISSIONER WATLING: How do you differentiate between these two areas the TPSA are arguing to retain a general officers arrangement. Prima facie it could cover one and the same people that you're now speaking on behalf of. How do we differentiate between operational service - operation stream and general officers stream.

MR O'BRIEN: Well, that's where the substream approach would take effect and the means of differentiating between substream would be either through the scope clause in the award or by means of a variation on the general stream into particular operational groupings where relevant. I must say, it is likely that there would need to be attention given to scope clauses to make sure that the problem of overlap did not occur.

COMMISSIONER GOZZI: Mr O'Brien, I suppose fundamentally the approach that you're proposing doesn't really come to grips with rationalising parties to the various awards. I mean, as you're talking the thought that crossed my mind is why couldn't you have an operational services award with all the unions respondent to that award and encompass all that within the scope? I mean, probably it would be a very messy document because you'd have to demark it within the document and you're seeking to demark the



areas by having the substream proposals which, in effect, would be separate awards, as I understand you, those nine separate awards.

And, if that's the case, if I'm reading you correctly, then that doesn't really come to grips with one of the stated objectives put forward by the government to rationalise union parties to awards.

MR O'BRIEN: Well, I think that whilst I accept, in general terms, the validity of your comments we're taking a step-by-step approach to resolving that. And, even if this commission were to say there would be one operational stream award, that wouldn't establish one because there are still those awards which exist within the federal jurisdiction.

So, we really are taking a step-by-step approach about pulling that together in conjunction with the question of any rationalisation of membership coverage et cetera that's being considered outside of these proceedings. And, it may seem a little bit slow but it did, after all, take quite some time and a lot of cooperation in the Hydro to bring a smaller group together into one award.

This is a large grouping of people. There are at least three separate awards with coverage in the vicinity of 1,000 employees to be pulled together with different scope, different conditions and different classifications. So, it is a reasonably complex area. We are taking a step-by-step approach. I did say I was coming in late because you did say .... was closed. But, I knew that this question was going to be a difficulty one to deal with this stage in the day.

MR .... : More like a bouncer.

COMMISSIONER GOZZI: Yes, just to get the thinking right so that we can go with you, or certainly that I can understand what you're saying. You're really saying that, fundamentally, there is support for an operational services award as proposed by the TPSA but, in respect of the operational services stream that you're talking about here, that you see nine different operational awards which would have a certain amount of commonality between them. Is that that -

MR O'BRIEN: Well, there'd be nine substreams and there would be in the vicinity of nine awards. I'm uncertain as to how this would effect a couple of the federal awards.

COMMISSIONER GOZZI: Right.

MR O'BRIEN: It really is a -

COMMISSIONER GOZZI: I'm just trying to clarify in my mind Mr Vines' comment about the general -

MR O'BRIEN: The general officers.

COMMISSIONER GOZZI: employees, yes.

MR O'BRIEN: Well, I think, we had some brief discussion about this and what Mr Vines has suggested is that he would maintain the General Officers Award which his organisation is respondent and insert within it the occupational services stream.

PRESIDENT: Which one?

COMMISSIONER GOZZI: Yes, that's right, which one?

MR O'BRIEN: He would take the stream that we propose to establish at the general basis of all of the streams, the generic one, and he would either put that in that form or in a form which was more specific to whatever area that award was to cover in the future scheme of things.

COMMISSIONER WATLING: There may be no need for that award though.

MR O'BRIEN: Well, it's - that's not my submission at this stage, Mr Commissioner, and that's a matter on which the TPSA would need to address you at the appropriate stage.

COMMISSIONER WATLING: I thought they were leaving the operational stream to you.

MR O'BRIEN: Well, I don't think they meant it in a coverage sense. Perhaps the submissions, Mr Commissioner.

COMMISSIONER WATLING: You're - it may well be a major question in my mind as to whether not we continue with the General Officers Award if we have an operational stream. We could be well duplicating.

MR O'BRIEN: Well, it's a fair question which I think, if organisations hadn't considered it they would have to take on notice now.

COMMISSIONER WATLING: Well, I think I'd like to hear submission on that anyway, so - so you're on notice.

MR O'BRIEN: Well, I can't, on behalf of the TTLC, put submissions on behalf of all organisations. I think they'll have to put them separately at some stage in the process. And I don't see why that couldn't be dealt with in - at a subsequent stage of these proceedings.

COMMISSIONER WATLING: You might convey the message to your colleagues.

MR O'BRIEN: I will.



COMMISSIONER GOZZI: You see it's just dawned on me that Mr Vines has -

MR O'BRIEN: He got out in time.

COMMISSIONER GOZZI: He left in time. I understood him to be saying that there would be an Operational Services Award, and I - the General Employees Award, and so I had that as a model. And then I'll look at page 19 of your document of course, really what's proposed within this operational services stream are a series of substreams appropriate to these nine areas; one of which would be the general employees.

MR O'BRIEN: Well, the general officers substream is a substream reflecting, I guess, the coverage of the General Officers Award as it is now somewhat. The miscellaneous is reflecting the coverage of the Miscellaneous Workers (Public Sector) Award. Civil construction would be the Australian Workers Union Award; I believe it's a federal award.

COMMISSIONER GOZZI: And there would be commonality within those awards to the extent that is possible, which -

MR O'BRIEN: Yes.

COMMISSIONER GOZZI: - would be explained us, I suppose, by a submission.

MR O'BRIEN: Well, there would be commonality in the sense that they would all draw upon the classification standards established in these proceedings for the operational services stream. And that they would have classifications or classification standards drawn up which are more precisely relevant to those areas of operation, more easily understood perhaps, having regard to a particular area of operation which might generally be covered by each of those award areas now.

COMMISSIONER WATLING: But it does beg the question though: why would a carpenter at St John's Hospital come under the General Officers Award, and a carpenter at the Housing Construction come under the Building Construction Award?

MR O'BRIEN: Well, it might. It might be quite relevant for there to be differing areas of coverage considering that one is more involved in the construction and the other more involved in the maintenance process. But that's not a matter on which I've got any brief to put a formal submission.

COMMISSIONER WATLING: Well -

PRESIDENT: The same sort of thing really happens in your own area though -

MR O'BRIEN: It does.

PRESIDENT: - Mr O'Brien -

MR O'BRIEN: Yes.

PRESIDENT: - with the cleaning classifications.

MR O'BRIEN: Yes. Cleaning in our area and in hospitals are covered by separate awards.

COMMISSIONER GOZZI: So per se there won't be an Operational Services Award as such, there will be an Operational Services Award, if you like, which is comprised of the generic classification standards -

MR O'BRIEN: Well -

COMMISSIONER GOZZI: - which will translate into these nine substream proposals.

MR O'BRIEN: Yes. I think that we see this as a step of providing a common basis for all of the structures, bearing in mind there wouldn't have been any way, one would have thought, that because, for example, in the health area hospitals would no doubt be better placed having a single Hospitals Award, which would need to contain operational services-type classifications; clerical; technical; and professional.

COMMISSIONER WATLING: So would it be true then that you're - you're saying to us that you don't want to make an Operational Stream Award but you want the Commission to make a decision defining certain parameters which can be related and translated into approximately nine different awards.

MR O'BRIEN: Yes. In a nutshell, yes.

COMMISSIONER GOZZI: Why will that be necessary if we're going to be looking at benchmarks and SIPS and having those - if one of the options is to get up, having those contained in an award. Now, if the rates are going to be the same, the relativities for tradespeople are the same, using Commissioner Watling's example for the carpenter, why will that be necessary to have those different documents? Why can't they go into the one document and be shown in the one document, bearing in mind also that on the conditions front we've got an exercise which is going to look at evening up conditions across the State Service.

MR O'BRIEN: As long as they're evening up.

COMMISSIONER GOZZI: Well, my words. You know, my words. The rationalisation of conditions, or whatever. I don't want to alarm anybody.



MR O'BRIEN: We weren't alarmed by your statement, I just wanted to emphasise it. Well, why - why would it be necessary in - in the short term it will be a difficult exercise and it will not be possible to achieve that in one document, as I stressed, because of the different jurisdictional problem. So we won't achieve that in practical terms.

We are approaching it on a - by a staged approach and trying to get as much commonality as we can through this - this structure, so that people performing work which are - which is addressed by the appropriate level of the - the classification standard in any area who will get the same pay for it. And on a fairness basis that is a positive step bearing in mind that there's no - there can no doubt be demonstrated in a variety of areas that different rates apply or standard of work or responsibility and the -

COMMISSIONER WATLING: Approximately seven different rates for tradesmen - or tradespersons?

MR O'BRIEN: Well at least I think.

COMMISSIONER WATLING: Yes. Has any thought been given to whether or not an operational services award should be made in wage rates only which would go across all areas and then the nine areas retain their separate working conditions?

MR O'BRIEN: I'm sure that that's almost what our submission envisages. It - it means that we establish the standards - the stream - and we use that as a basis for establishing the relevant levels in award areas in terms that are relevant to those areas.

We and the government have come up with a fairly general terminology to cover a very broad area. There's no reason why that can't be refined into something more specific in these substreams and I think that's the intention that we have. If on the other hand the view of the Commission was, well there will be this stream and you'll go away and just have conditions, well there would be a greater likelihood for matters to be coming back to the Commission for determination as - on particular classification levels than if we went away into these substreams and set something up which was a little bit more specific having regard to the area.

I mean position descriptions may be devised that way - may be they can be devised outside the award area. I don't think in terms of the achievement process that what we're proposing harms the concept of standards being set right across the public sector - we're accepting that principle.

The second of those questions is, which classifications contained in existing awards should be transferred into other streams. I have no authority to advise that there are any currently considered in the occupational stream which should be transferred

across. If individual organisations have a view on that matter then they will put that view to the Commission.

What time does the Commission intend to sit to today, because -

PRESIDENT: Oh, we normally go on till a 1/4 to 5 or something of that nature.

MR O'BRIEN: Coming then to the -

PRESIDENT: If that's - if you're -

MR O'BRIEN: Well the next - the next subject - I -

PRESIDENT: - prepared to go on.

MR O'BRIEN: - I won't finish in that time. I would be comfortable if we stop now and resumed on Friday. I'm happy to start at 10.00 if that helps make up some time.

COMMISSIONER GOZZI: Mr O'Brien, I suppose as far - just as far as Part B is concerned -

MR O'BRIEN: yes.

COMMISSIONER GOZZI: - that probably won't be an issue with any of the unions because the status quo in terms of the award coverage will in fact be maintained won't it?

MR O'BRIEN: Yes.

COMMISSIONER GOZZI: I mean those nine substreams would by and large keep the classifications of each of the unions consider are appropriately within their province.

MR O'BRIEN: Yes, and I would have thought that that question was more directed to the question of whether someone was technical or professional or vice versa -

COMMISSIONER GOZZI: Yes.

MR O'BRIEN: - but - well that's what I read into the matter anyway. But I think - yes, it - to the extent that it might have occurred I've got no - no submission from anyone as - that they want to take a particular job out of what might have been considered operational and put it into, say, technical.

PRESIDENT: Mr O'Brien, I think we will continue because there are so many other demands on the Commission's time at the moment - we'd best make the most use of time available.

MR O'BRIEN: Going to the question of the number of classification levels in each stream, we say in the operational stream there should be 11 and as to the classification standards



to be applied we have set those out in the document. I propose to use Exhibit H.10 to contrast the position of the unions and the government, with regard to these matters and thank Mr Hanlon for his preparation.

In addressing these two questions together I think we can commence at page marked A 1, bearing in mind that in the TTLC document there are definitions of the - of terminology, direct supervision, general supervision, limited supervision, general direction, limited direction and administrative supervision and that the terminology in our submission ought to be read in the context of those definitions.

Level 1 - the first point to make about the TTLC position is that we believe that level 1 is a training level. It would apply obviously firstly to a participant in the Australian Traineeship System - and that's a difference between our position and that of the government - they make no specific reference to a person undergoing training under an Australian Traineeship System program. That program continues to operate and as far as I'm aware is available to the government and there is no good reason why that not - ought not to be a level fixed at within the classification structure.

The TTLC documentation goes on to say: Inductees participating in a structured training program for a period of no more than 3 months - and it's the description of the level 1 employees. That contrasts with the government's position which describes level 1 as a trainee level but then goes on : Work under direct supervision and undertake routine activities which require basic mental and physical skills, work routines, methods and procedures well established.

It appears to us to be a little uncertain in terms of the government's description that where training ceases and ordinary work continues.

The level 1 position, as set out in the right-hand column, the TTLC position, makes it clear that level 1 is a trainee level only. And that is consistent in terms of operational areas with developments which are occurring in other areas, and particularly in the private sector. And just very briefly, and I won't tender it, in matter - in various matters T.2317 of 1990, 2376 of 1990, 2553 of 1990, 2611 of 1990 and 2613 of 1990, the matter relating to the Mechanical Engineers and Founders Award heard by Mr Commissioner Watling on the 10th of October.

The Commission approved a structure for that award and the definition of an engineering production employee level 1 was: an employee who is undertaking up to 38 hours induction training which may include information of the enterprise, conditions of employment, introduction to supervisors and fellow workers, training and career path opportunities, plant layout, work and

documentation procedures, occupational health and safety, equal employment opportunity and quality control assurance.

An employee at this level performs routine duties essential of a manual nature - essentially of a manual nature and to the level of his or her training. Performs general labouring and cleaning duties, exercises minimal judgment, works under direct supervision or is undertaking structured training so as to enable them to work at level 13, which is the next level up. And the reason I refer to that is that it is clear in that area which is akin to operational services that the base level is purely a training level; and in that case a limit of 38 hours applies to that level.

Now -

PRESIDENT: I don't understand the reference, both to the 38 hours there and the 3 months in -

MR O'BRIEN: Well, it's a limit. A -

PRESIDENT: So they're only -

MR O'BRIEN: A maximum time period at that level.

PRESIDENT: So that's a week in respect of that trainee in the mechanical engineers.

MR O'BRIEN: Yes, it is a week. Yes.

PRESIDENT: And 3 months only at level 1 in the proposal that you put before us under H.10.

MR O'BRIEN: Yes. And I might say that that's -

COMMISSIONER WATLING: Is that supposed to read 'or'? Because the Australian traineeship system is longer than that, isn't it?

MR O'BRIEN: Yes.

COMMISSIONER WATLING: So it is supposed to -

MR O'BRIEN: I think it -

COMMISSIONER WATLING: - say 'that or -

MR O'BRIEN: I think you're right.

COMMISSIONER WATLING: - inductees'?

MR O'BRIEN: Yes, I think you're right. That it should say 'or'. And it is true that - yes, I apologise for taking you to that and not to our document which does say 'or', on page 25 of the TTL document.



PRESIDENT: So just bear with me. Yes, thank you.

MR O'BRIEN: My understanding of the Mechanical Engineers and Founders Award is that it is following the Metal Industry Award, a national award approved by the Australian Industrial Relations Commission and in that regard is not different.

PRESIDENT: Is there an ATS in the mechanical engineers?

MR O'BRIEN: You test me. Mechanical engineers? I don't think so. I don't think that they - perhaps, I'll check. No. I'm told, no.

PRESIDENT: Thank you.

COMMISSIONER GOZZI: Mr O'Brien, why would you start off with a traineeship provision in an operational stream? Why, given the - given the nature of the work that's involved? I'm just looking back. Wouldn't you have a combination of traineeship and apprenticeship provisions?

MR O'BRIEN: Well, I think we're proposing to leave the current apprenticeship provisions in awards to stand separate from the General Training Award, and that is something we didn't proposed to interfere with in terms of the structure. A traineeship differs of course from an apprenticeship in term and in the way it's implemented. There is an age limit currently for traineeship matters, although I believe there are -

PRESIDENT: Not in all awards.

MR O'BRIEN: No, but in terms of the Commonwealth program.

PRESIDENT: Oh, in the ATS program?

MR O'BRIEN: Yes. It's supposedly limited to 16 to 18-year olds. There is a lot of pressure to increase that period too, and also to develop training programs under the - or consistent with the traineeship system which are available to employees generally. We -

PRESIDENT: So the apprenticeship provisions would have to stand alone?

MR O'BRIEN: Yes. Yes. There's no - no position being taken by any organisation I'm aware of to seek to build train - apprenticeship rates into the career structure.

COMMISSIONER GOZZI: Operational. Fair enough. Now, the other thing: the traineeship system, over a 12-month period is that - does that equate - the training provided there, does that equate to no more than 3 months in the - in the second part of that - is that the standard?

MR O'BRIEN: No. Well, it doesn't equate. It is 13 weeks of block training with the traineeship program, as I understand it. I guess with the traineeship program you've got off-the-job training and on-the-job training.

COMMISSIONER GOZZI: Yes.

MR O'BRIEN: The - it's a balancing up in effect, because the employee is off the job for a period of time, whereas - and the employer is not getting the benefit for that period of time, obviously. Whereas someone who is a pure trainee on the job without undergoing the traineeship program provides the employer with whatever benefits accrue during that period of training.

If they don't go off the job, the employer doesn't have a period of absolute nonproductivity.

COMMISSIONER GOZZI: So the second inductees participating et cetera is on-the-job training?

MR O'BRIEN: Yes, it is on-the-job training.

COMMISSIONER GOZZI: Okay.

MR O'BRIEN: And that - the word 'or' doesn't appear there, but it does appear on -

COMMISSIONER GOZZI: Yes, I've got that.

MR O'BRIEN: - page 25 of our document.

COMMISSIONER GOZZI: Yes.

COMMISSIONER WATLING: Does that mean then - sorry to butt in again, but it begs the question: does a person taken on under the Australian traineeship system stay at that level for the duration of the time they're within the traineeship arrangement?

MR O'BRIEN: Yes. It does.

COMMISSIONER WATLING: Right.

MR O'BRIEN: It may be that we're reading into the government's level 1 things that aren't intended to be there, but it seems that - it's almost possible for employees - some employees to be trainees forever. There is no limit on the training and when one looks at level 2 the second line: 'performs routine manual tasks and/or operates basic equipment requiring previous training or experience'. If you're undergoing it under level 1 do you stay there or when you've done some training do you go to level 2? In fact, it might be an incentive not to train people who are allegedly trainees so that you didn't have to advance them from level 1 to level 2 if certain managers were very keen to manage their budgets in difficult times as we have now. And it's a



problem we see with level 2, and it might be an appropriate time to proceed to that.

I should have prefaced the comments by saying that in many respects the two documents are identical. I've gone through and highlighted areas where there are passages which have been inserted by one side or the other into what is basically a common document, and I believe the documents are substantially the same because they're drawn from the Australian Public Sector document.

COMMISSIONER WATLING: Now I understand that the different type denotes the difference, doesn't it?

MR O'BRIEN: Well it does in some respects but not all of them. For example, in level 2, the second point that I read out in the government matter finishes with the words: 'requiring previous training or experience', but the TTLC document says: 'requiring little or not previous training or experience'.

COMMISSIONER WATLING: All right.

MR O'BRIEN: That being because in terms of the TTLC document we see a person operating at that level as being someone who has finished training and who is operating at a basic level and operating on similar tasks within a particular regiment or discipline - exercising minimal judgment. So there is a difference between us there and I suppose the easiest way to deal with this area is to deal with the differences and not with the areas where we are proceeding down the same path. And we would be suggesting that it would not be appropriate to follow the proposal of the government and have people requiring previous training or experience in level 2, as outlined there, but the passage should read: 'performs routine manual tasks and/or operates basic equipment requiring little or no previous training or experience having regard to the whole structure' and I guess the commission will have to look back at the submission in the light of the development of the whole structure.

PRESIDENT: But if you've got a trainee provision -

MR O'BRIEN: Yes.

PRESIDENT: - which provides that limited previous training, I would have assume that a person wouldn't be appointed or brought into the system at level 2 unless first going through the trainee requirements.

MR O'BRIEN: Yes, and your comment brings me back to an -

PRESIDENT: So that -

MR O'BRIEN: - answer that I gave before; a trainee does 3 month's training per year which means a trainee does 6 months training.

PRESIDENT: But what I'm saying is that your - the words 'little or no' -

MR O'BRIEN: Yes.

PRESIDENT: - shouldn't - and I'm not certain whether 'little' is right either, but it shouldn't be 'no previous training' to get to level 2.

MR O'BRIEN: No.

MR ....: .... could be.

MR O'BRIEN: I guess we're looking at people who might already be there -

PRESIDENT: We'll - yes -

MR O'BRIEN: - who haven't been inducted or trained.

PRESIDENT: - we might have to have a sunset clause for them.

MR O'BRIEN: Yes. Yes, that's so. I think there are quite a few people who are there at the present time who haven't been the subject of any induction or training.

PRESIDENT: Yes, I'm sure.

MR O'BRIEN: But a sunset - grandfather clause or whatever, may be relevant.

PRESIDENT: But I think a person at level 2 should have at least some limited previous training.

MR O'BRIEN: Yes. Yes, and the other points: 'working under direct supervision and exercising minimal judgment' would be critical in determining that the job fell at that level.

PRESIDENT: Yes.

MR O'BRIEN: We come then to a passage which appears fairly consistently in the TTL document in a number of the levels, if not all of them, and that is the phrase:

OR: has completed the relevant training identified in the appropriate industry substream or is assessed as having attained the appropriate competencies.

That statement appears in a number of places and it is not reflected in the government document. I understand they oppose it.



PRESIDENT: Where would you - where's that to be inserted -

MR O'BRIEN: It is there in -

PRESIDENT: - at that particular point?

MR O'BRIEN: At that - it's at that point in the document, the last asterisk point on page A1 for level; 2 in the TTL document.

PRESIDENT: And is the 'OR' in respect of the previous dot point or the three previous dot points?

MR O'BRIEN: Yes, the three previous dot points. Where -

COMMISSIONER WATLING: Could that be meant then to say that someone may have the training, but the employer doesn't require them to work at that level and because they've been trained at that level or have levels of training the equivalent to those three previous dot points, the employer still pays the person whether they're required to use them or not.

MR O'BRIEN: Yes, and I think it would have to be understood in the context that this passage appears in almost every level and it's a common form of words which is probably at least relevant at this level where you're talking about people having the relevant training to go to be assessed at a particular level. Mr Commissioner Gozzi would be aware of an argument that's been put in another matter about where qualifications or training ought to determine that a person ought to be paid at a certain level within a career structure, and it's having regard to that argument as well as the fact that in these various streams with the development of training programs there is no doubt that the parties will develop between them an approach to training which will lead to employees developing training and having completed a training course, be accepted as being appropriate to be paid at a particular level and that being the basis for payment or promotion. For that reason that we -

COMMISSIONER WATLING: So even if the employer doesn't want someone with those levels and skills and doesn't want to utilize them he's still required to pay because they have a ticket in that area or they've passed a course in that area.

MR O'BRIEN: Well simply put, it could be seen that we although we would see these sort of training courses as being ones which would equip the people for the area in which they were working in such a way that it would be inevitable that they would use those skills.

COMMISSIONER GOZZI: So for instance, building and construction or transport, et cetera, you see that there would be training programs developed in those areas for those employees and if they've got - acquired those skills, done the training then that

ought to be utilised for placing that person on level 2 in this case - or level 3 or whatever it may be?

MR O'BRIEN: Yes, and let's take another area which I'm - with which I'm more familiar where an employee works at one of the government schools - has undergone a training program in terms of the cleaning, grounds maintenance and other minor maintenance work and it's agreed that having completed that course that they be inserted at a particular level in this structure and if they've gone and completed the course - say it was for example conducted by TAFE - been accredited as having complied with that course, the curriculum being devised having regard to their area of work - that it being portable nevertheless - if they pass the course, they're able to do the work, it's recognised as part of their duties to do that sort of work and they're paid accordingly.

COMMISSIONER WATLING: Right, say you got up to an area like mechanical tradesperson special class, which, prima facie you're supposed to have done some work in advanced hydraulics and pneumatics, and - and the decision quite clearly in the past has been that not all persons will fit that level, it's only if the employer requires people with those skills to undertake and do the task.

Now there may be people out there with tickets in advanced hydraulics and pneumatics but the employer may not want a mechanical tradesperson special class.

MR O'BRIEN: Well -

COMMISSIONER WATLING: You're saying under this scheme that they've got to be paid for it because they've got the ticket.

MR O'BRIEN: Well there may be some courses - there are courses where we say that would be the case, but if you look at the words it says: - or has completed the relevant training identified in the appropriate industry substream.

Now, okay, if it's going to be identified in that substream as relevant, one would think the example that you point to was not generally considered as relevant it wouldn't be identified in the substream so. I mean it is a general terminology allowing for the recognition that certain training courses - well because that they're - the work being performed in that area is so relevant to them, will it inevitably be put to use and the skills that that person acquires be put to use. It may be that in developing the substreams that that particular course is one which is not identified - so identified as outlined there.

The other side of it is of course that they .... and I guess it's not pertinent to your question, is without doing a course that people can be assessed as having attained a competency of someone at that level even though they don't have the qualification and have it reflected.



COMMISSIONER WATLING: I thought you'd be able to get a job at a certain level because you did have the necessary criteria to do the job.

MR O'BRIEN: Well -

COMMISSIONER WATLING: If there was a job vacant, say, out at some given place out of the way and they were looking for a person at a certain level then they'd be required obviously to undertake the tasks required of the job.

MR O'BRIEN: Well that would apply but not in every circumstance where it couldn't be shown that the skills of the particular training were relevant and inevitably put to use in the employment situation.

I mean there is flexibility in those words that I'm trying to emphasise - perhaps I'm not doing it as well as I could.

PRESIDENT: I think - I think I understand what you're driving at, Mr O'Brien. I just wonder whether the second point in the government's list of requirements of level 2 would pick it up anyway because a person performs routine manual tasks and/or operates equipment requiring previous training or experience. Wouldn't that automatically pick it up?

MR O'BRIEN: Well it may in relation to this level.

PRESIDENT: Pick up things that you're talking about here in the alternative?

MR O'BRIEN: It may in relation to this level. I'm not certain that it does - it may - but I'm trying to emphasise that this passage appears in a number of areas and I guess I'm putting the argument about all of the areas at once.

COMMISSIONER GOZZI: I suppose, Mr O'Brien, the real significance of those words in every classification standard means that you could have a level 2 employee who has participated in the industry substream training program and has acquired level 3 skills - that person would then be paid at level 3?

MR O'BRIEN: Yes, if - if that was agreed to be -

COMMISSIONER GOZZI: That - that - that's -

MR O'BRIEN: - a relevant training course equipping them with skills that would be used.

COMMISSIONER WATLING: Without having to do the job?

MR O'BRIEN: No. What I'm saying is that if someone's done the course that they will - and it's agreed to be - it's relevant

training identified in the industry stream, it's - the concept would be that the skills acquired in the training would be relevant to the job.

COMMISSIONER WATLING: Yes, but they could be at a lower grade, have skills of a higher grade, not be even appointed at that higher grade, not be even appointed at that higher grade but doing work at the lower grade, but just because they've got a ticket in their pocket that they've done advanced hydraulics and pneumatics they're to be paid at the higher level.

COMMISSIONER GOZZI: That's the significance of what these words are.

COMMISSIONER WATLING: That's the point I was trying to get earlier.

MR O'BRIEN: Yes.

COMMISSIONER WATLING: You know, they may well be a class - a level 2, but have the ticket in their pocket for a level 3, but the employer doesn't require a level 3. But just because they've got the ticket that - I read those words as saying because they've got the ticket in the pocket they're required to be paid at level 4 whether they're - they've been appointed to level 4 or not.

MR O'BRIEN: Well it might be - it might be read that way. The alternative is that it might make clear that persons having acquired those skills would be expected during the course of their employment to use them. They haven't been recognised in the industry substream and that they are paid accordingly. I mean there's a lot of argument about whether people are engaged on, for example, the difference between 2 and 3 is difficulty if you look in the government description - performing a variety of manual tasks or operating plant or equipment at a basic level of skill or at more than a basic level of skill.

Now, sometimes the - the distinction between a basic level of skill and more than the basic level of skill might be quite blurry. And it could be quite useful to use a - the completion of an appropriate training level to determine the level of payment in those circumstances.

PRESIDENT: Although there are other criteria for that particular level that set it apart from level 2. So there would be other factors coming into it - into account there besides the level of skills acquired. And clearly - and if your proposition was accepted then the person would be entitled to the level 3 regardless.

MR O'BRIEN: Yes.

COMMISSIONER GOZZI: Yes, that's probably not inconsistent with some private sector arrangements which are based on acquisition of



skills through completion of training modules. It's then up to the employer to utilise those skills and if he doesn't, well, he still has to pay for them. I mean there are a number of examples like that and you've built that into the proposals all the way through. So if the person has acquired the skill through a training program, well, then the person concerned has to be paid at that level.

MR O'BRIEN: And that's - that's a very good point, Mr Commissioner, in terms of the idea that this is an approach to making the enterprises more efficient. And if we're going to encourage people to acquire skills then the way to encourage management to use them is to let management know that the skills are there, if they're relevant they're going to have to pay for them and therefore require management to make the necessary arrangements to use those skills.

I mean, it is a two-way street. The approach of saying: well having skills and not using them is really at the discretion of management, if the skills are relevant to the area in which they work.

COMMISSIONER WATLING: Yes. But if that is the case, then should - it it's at the discretion of management whether they use the skills, should they have to pay for the skills they don't require, or will they employ someone at a lower level?

MR O'BRIEN: Well, that's a possibility too. That they might - they might to seek to avoid people with the skills when they engage. But the other side of it is that we - and we do encourage employees to gain skills during their employment, and that's another facet of a new career structure. That there should be encouragement for people to continue their training past the point where they get their job or undergo their first period of training.

There's got to be encouragement in terms of remuneration for the employees to develop their skills to go from a basic tradesman to, say, a tradesman with specialists hydraulic skills.

COMMISSIONER WATLING: Yes. But isn't - isn't that encouragement there, because if the job's vacant then they can apply for the job, if they've got the skills.

MR O'BRIEN: Well, is that encouragement or is it - is a better way of encouraging the skilling of the work force to develop the skills and encourage management to use them.

COMMISSIONER WATLING: But sometimes though it has the opposite effect. People would say: Look, I don't want that person with that ticket, or I don't want that person with that hydraulics thing, because I'm going to have to pay for it and we just don't use it and we won't use it. So therefore, they'll go out of their way to employ people with less skills.

MR O'BRIEN: Well, your comments are coming back to the questions about what the word 'relevant training' identified in the appropriate industry stream mean.

COMMISSIONER WATLING: Well, to me - I - this is how I'm interpreting it and you correct me if I'm wrong. I would interpret that - and even if you go right through your document and I would interpret that, say, for example, if I was a level 3 and I had undertaken a course that was equivalent to a level 4, because I'd undertaken the relevant training then the employer would be required to pay me at the level 4 when my substantive position is level 3.

MR O'BRIEN: If the industry substream identified it, let's say there was an award in the miscellaneous area which - which said: If you do this course that qualifies you to be paid at level 4, yes. That's what it means.

COMMISSIONER WATLING: Yes. But I'm saying whether you do the job or not.

MR O'BRIEN: Yes.

COMMISSIONER WATLING: Yes.

MR O'BRIEN: Yes. If the industry substream says that.

COMMISSIONER WATLING: So I'm not - so I'm not misinterpreting it.

MR O'BRIEN: No.

COMMISSIONER WATLING: Right.

MR O'BRIEN: No. But you can't - you can't say that that would apply to the - you know, the ridiculous examples that are sometimes thrown up when you talk about this area of saying: Oh, if I've got a degree in surgery that that's going to be paid even though they only want a cleaner. Well, that's not what we were about. We're talking about training that's -

COMMISSIONER WATLING: No.

MR O'BRIEN: - relevant and identified in the industry substream.

COMMISSIONER WATLING: Well, I can understand that. It gets - it probably gets more noticeable as you go up until you get to tradesman and get into tradesman special class areas. Because you get into some of those areas and even in, say, metals area people obviously that fit into certain areas have to undertake special courses. And I used the course of advanced hydraulics and



pneumatics as one for a special class tradesperson - a mechanical tradesperson.

Now, there are some people out there now just going and getting the ticket and having it there, just in case jobs come up and those areas and then they can apply because they've already got the ticket.

MR O'BRIEN: Yes.

COMMISSIONER WATLING: Now, in this case when you go up the rung here even if they - say the employer advertised for a tradesperson, because they came along and they had a tradesperson's ticket and they had another ticket in their pocket for advanced hydraulics and pneumatics, the employer would have to pay them mechanical tradespersons special class level as opposed to the tradesman's level which they wanted.

MR O'BRIEN: If that was reflected in the industry substream as training which automatically acquired you that rate. Is that a convenient time or -

PRESIDENT: Yes, this could be very close to a convenient time, Mr O'Brien. Could you address us first thing on Friday morning on the question who - how the industry substream training arrangements are to be determined, to be put in place.

MR HANLON: Mr President, if I could just ask -

PRESIDENT: Mr Hanlon?

MR HANLON: Listening to the TPSA's submission this morning I have a similar view to Commissioner Gozzi's; that the TTLC's position was the position in terms of operational stream vis-a-vis the TPSA. From the government's position, we would expect to everybody's views, where they differ or not, before we would then proceed to address the matter. And I'm assuming the word 'stage' has been used just in the process of the case not in terms of other delays in the matter.

PRESIDENT: I got the impression that other unions would be putting their specific points of view in relation to these issues in the operational stream.

We'll adjourn until Friday morning at 10.30.

HEARING ADJOURNED