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TRANSCRIPT OF PROCEEDINGS

O/N 106711

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT P.C. SHELLEY

T No 13438 of 2009

TASMANIAN STATE SERVICE AWARD

Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 lodged by the Minister administering the State Service Act 2000 to vary the above award re a new appendix 11 School Administrative Staff Translation

HOBART

10.30 AM, THURSDAY, 14 MAY 2009

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THE DEPUTY PRESIDENT: Thank you. I will take appearances please.

5 MR P. BAKER: Deputy President, I appear on behalf of the Minister administering the State Services Act 2000, P. Baker. And with me this morning is M. CASTLE and M. WATSON.

THE DEPUTY PRESIDENT: Thank you.

10 MS K. JACKSON: Deputy President, Kate Jackson, appearing on behalf of the CPSU SPSFT Inc., and with me I have ANGELA BRADSHAW. Thank you.

THE DEPUTY PRESIDENT: Thank you. Mr Baker?

15 MR BAKER: Deputy President, I'm going to defer this morning to my colleague, Mr Watson, who will present a submission on behalf of the minister.

THE DEPUTY PRESIDENT: Thank you. Mr Watson?

20 MR M. WATSON: Thank you, Deputy President. I just wanted to start with a bit of background in relation to this matter. The issue of classifications for administrative staff in schools has been an issue that has been ongoing for quite some time, and I think probably long before I started in the department, and we're very pleased to be able to come to you today, Deputy President, with an agreement which settles the
25 issue. In 2006 the CPSU, on behalf of their members in schools, presented the department with a classification proposal, which was considered, and the union was told that that would be a matter that was considered under the classification review in the Public Sector Union Wages Agreement, as it was at that time.

30 That was accepted by the union and on that basis the parties still had a fair bit of work to do. As a result of where we went to from there, the school administrative staff were cited as a target occupation group within the Tasmanian State Service Award, so therefore they needed to be treated as a special group, and a special case, as has actually been the case. There was a process undertaken, once the TSSA was
35 approved and put in place, of negotiations with the CPSU and a small group of representative members.

THE DEPUTY PRESIDENT: Is this the people present today?

40 MR WATSON: And others, Deputy President. Some more vocal than others, of course, but – and we developed a number of statements of duties, which were matched against levels within the new award. Those statements of duties were allocated to different positions in schools right across the state, ranging from the school executive officer through to administrative officers, through to administrative
45 clerk positions.

THE DEPUTY PRESIDENT: So is the school executive officer the creature who used to be known as a bursar?

5 MR WATSON: That is right, Deputy President, they're the admin chief in the schools, yes.

THE DEPUTY PRESIDENT: Thank you.

10 MR WATSON: It was a very, very comprehensive review and there was a lot of discussion, consultation and negotiation between the CPSU and the department, and what we have is an agreement, which is the application before you, which translates approximately 640 individual employees to the new structure. The key to the agreement, Deputy President, is that it actually takes account of the duties and responsibilities and work value levels of all school administrative staff, up to and including 4 March 2009, and that is a key part of the agreement, as it says in the application. Another key part of it is that the review process, as per the appendix in TSSA, does not apply to employees covered by this translation on the basis that we have a full agreement with the union, and also the work value assessment has been agreed at each of the distinct levels.

20 And we also understand, and maybe Ms Jackson can confirm this to you, that there was an overwhelming yes vote from CPSU members about the package. We believe, Deputy President, that we have met the terms of the TSSA in terms of school administrative staff as a target occupational group. This has not been implemented yet, because we have been waiting on Commission approval, obviously - not that there has been a delay from your end, but we needed to get the paperwork done and put the application in - and it doesn't take effect from 5 March, so there will be retrospective adjustments as well. And that was also a key to this, Deputy President, that we - that there was, I suppose, no disadvantage to people if it did drag on a bit, because 5 March was always the effective date.

30 We submit, Deputy President, that the application to vary the award doesn't offend the wage fixing principles, nor the public interest; although I do need to say that there is a significant amount of money that is going to have to be invested to pay for this translation. The department is committed to that, but I just need to put on the record that it is very significant, and that money will need to be found to fund this translation. So with those comments in mind, Deputy President, unless you have any questions, that concludes our submission.

40 THE DEPUTY PRESIDENT: Okay. There is one that I probably should know the answer to. You say that the review process does not apply; I'm just trying to remember the details, as set out in the agreement review process documents. It did exclude particular occupational groupings, didn't it, Mr Baker? Where is it written? How will we know, apart from this transcript, that the review process doesn't apply?

45 MR BAKER: It's contained in the document.

THE DEPUTY PRESIDENT: It is in the document?

MR BAKER: In the document that is before the Commission today.

5 THE DEPUTY PRESIDENT: Okay.

MR BAKER: It's in the very last paragraph on page 2 of the document.

10 THE DEPUTY PRESIDENT: Right. So if a person picked up the review process document and they were in this category of employees, is there something in that document that tells them that it doesn't apply?

MR BAKER: Yes, it does. It's quite specific. It's under the last paragraph of the document that forms part of the application today.

15 THE DEPUTY PRESIDENT: Yes, I understand that. I'm saying that if somebody were to pick up the review process document, is there something in that document? Do you recall? Does it - - -

20 MR BAKER: No, it doesn't. It doesn't specifically exclude the people who are classified within appendix 11 - - -

THE DEPUTY PRESIDENT: Right.

25 MR BAKER: - - - as it's proposed. Perhaps what we may need to do is come back to the Commission and vary that.

THE DEPUTY PRESIDENT: That other document?

30 MR BAKER: That other document, yes.

THE DEPUTY PRESIDENT: Yes. That might be best

35 MR WATSON: Can I just - - -

MR BAKER: Sorry.

40 MR WATSON: Can I just say, Deputy President, that to first have an issue with translation you would have to go to this appendix first to see what you had been translated to, if you had a problem with it and the provisions are actually contained in the proposed variation. But to take your point about - - -

THE DEPUTY PRESIDENT: So what is going to be happening with schools - - -

45 MR WATSON: Yes.

THE DEPUTY PRESIDENT: - - - you're going to have some people that are saying - - -

MR WATSON: I understand, yes.

5

THE DEPUTY PRESIDENT: - - - I'm unhappy with my translation, I'm going to have it reviewed, and yet there is one little group within the schools that isn't part of that. Yes. Problems could arise.

10 MR BAKER: Yes, I take your point, Deputy President. I think what I should do is actually write to the commission and seek that that matter be either re-listed for five minutes, or, in fact, if it can, in fact, be amended off the record. But I will write to the commission concerning that.

15 THE DEPUTY PRESIDENT: Thank you. Thank you. Ms Jackson?

MS JACKSON: Thank you, Deputy President. If I may I'd like to provide a bit of context to this. The issue of resourcing in schools and classifications in schools is one that goes back quite some time. In fact, I think it pre dates pretty well everyone here at the table. In 2003 the CPSU School Administrative Advisory Forum, known as the SAF group, was established to provide a vehicle to address issues facing people employed in school administration. With me today, as you've noticed, we have Christine Mitchell, Mary Beasley, Kimbra Watling and Annette Pearson, who have put a lot of their own time and effort into this over the past long time.

25

You may not know. The sacking level in schools since the 1970s have been based on a formula that used hyper schools, so primary, secondary, college, etcetera, and pupil numbers to determine the number of full-time equivalent positions and their classification level in schools. This formula didn't take into account the range of different things that go on in schools, and make quite a difference to the work value undertaken there.

30

After some discussion in 2007 the CPSU undertook a research mission. We did surveys, consultation with SAP through the SAF group indirectly, and I understand site visits in conjunction with the department were undertaken. At this point it was found that all schools are not created equal by any means and that there's quite a bunch of different things going on, and that really, school executive officers were effectively running a small to medium sized enterprise, with quite a significant number of people reporting to them and regularly taking work home or working late on weekends to meet demands or making a conscious decision not to complete certain tasks because the ability to do them in the time wasn't there.

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The sorts of things that go on in schools that make a difference to the work value are split campuses; some schools have farms; swimming pools and gyms, which can also be commercially rented out, which adds another level of complexity, varying levels of community involvement. Some schools have residences, apparently, and canteens and cafes, also shops. There are different inclusion policy requirements.

45

Some now have on-line access centres; there's child care; after school holiday programs and a range of things that make quite a difference on both the school executive officers and the school administrative officers who work for them.

5 This research culminated in a submission from the CPSU to the Department of
Education asking for additional funding for resourcing. I should note at this point,
many points were actually using the school resourcing package, SRP, to fund
additional hours, and in some cases, pay higher duties and more responsible duties
allowance to supplement establishment funding. It's just done to keep school
10 administration going, basically. As a result of this submission the Department of
Education and CPSU School Administration Resourcing Agreement was entered
into.

15 It was decided at this point that the PSUWA '07, which then became '08 and now
has become the Tasmanian State Service Award, would be the vehicle for addressing
classifications. So we got to the agreement was to deal with additional resourcing,
role clarity and central and learning services support for schools. Now, what we are
here to do is the role clarity and the classification exercise, so the translation to the
20 new award, as Mr Watson said, gave us the mechanism to deal with this group as a
targeted occupational group, which meant we could consider their needs as a whole,
rather than individually, which brings us very neatly to the last few months.

As Mr Watson said, the CPSU and Department of Education entered into a round of
25 consultation firstly to try and establish what it is actually that people in schools are
doing, and secondly, to come up with a way of classifying and categorising that, so
we embarked on a process of developing a set of statements of duties based on actual
duties, responsibilities happening in schools. We ended up with three different levels
of statement of duties for school executive officers, and two for school administrative
30 staff.

The school executive officers now have levels one, two and three, and the school
administrative staff have school clerks and school administration officers. These
went back and forth. There was consultation review. The SAF group were
invaluable in making sure we got feedback from principals and staff. Then the next
35 step was to actually classify those statement of duties against the bands, which
happened. Then, of course, we had to categorise schools into these classifications,
and this was a bit of a harder task than previously because so many more factors
were considered. Not just numbers, but the other things I mentioned; the farms, the
child care, the additional responsibilities.

40 So we did that. That went back and forwards. Principals and staff provided
feedback. Following the feedback some amendments were made to the original
categorisation. College administrative managers were advanced to band 6 range 2,
recognising the size and complexity. Colleges have mature age pupils, VET
45 programs and are a bit more complex, as I understand it, and SEAs in High Schools
with 650 or more full-time enrolment and who have more than four years experience
at admin and clerical level 7 or higher as at 5 March and who have been assessed as

meeting or exceeding the performance and development requirements, are also translated to band 6 range 2, with effect from 5 March 2009.

5 So, just recently the final package as Mr Watson said, was put to us as a package, which meant that accepting the classifications and statements of duties would mean forfeiting the right for any individual to review their classification under appendix 1 of the Tasmanian State Service Award. We put this to our members for a vote, the result of which, as Mr Watson said, was very strongly in favour of acceptance. Seven per cent, we think, voted against. I note that staff retain the right to seek
10 reclassification should their duties and responsibilities change as of 5 March 2009.

The CPSU has agreed to this package. We are not enamoured with the removal of review rights under the award, however, we do acknowledge much of the early stage of the review has been conducted. The early stages involve consultation with
15 managers, discussion over the responsibilities and what people feel might not have been considered, and that has taken place and there was quite a degree of to-ing and fro-ing between the department and the staff and principles.

We believe there is a very small number, we think it's eight people, who are still
20 concerned with their classification, and we look forward to working with the department to address the concerns of these people, perhaps by producing the documentation that would be produced in the review. So I guess all that remains is to thank a few people who have helped bring this to a conclusion. The SAF group, as I said, put a lot of their own time and energy into this; a number of CPSU staff
25 have been involved in this; most notably Angela Bradshaw in recent years. Also, we would like to notice Mark Watson who has been very constructive and pro active throughout this process, and more recently Michelle Castle, who has been involved as well. That concludes our submission, Deputy President.

30 THE DEPUTY PRESIDENT: Okay. Thank you. Well, it does seem as though there has been an enormous amount of work done and people have been noted in the transcript as having made significant contributions. Now, am I understanding it correctly, that the school itself determines what band the person is allocated to, in that table two seems to indicate that schools have a band allocated to them? Is that
35 right? What if the nature of the school changes and schools are dynamic institutions. This is more or less set in stone in the award, so what provision is there for that to happen – enrolments change, schools take on additional complexities; the demographics change and so on. How is that to be dealt with?

40 MR WATSON: I might deal with that , Deputy President, and I also just want to make a couple of comments in response to what Kate has said, but first of all, there is provision in the document that if duties and responsibilities change post 5 March, and we're now obviously in that stage, then there is the ability to review
45 classifications if that is the case. So, for example, if – I don't know – just say, two big schools come together and the responsibility is a lot more, then obviously we would need to look at the classification.

Now, no one will go backwards. If there is – you know, if there is a diminution of responsibilities each person would hold that as a personal classification, but having said that we believe that there is provision in here, because it talks about changes in duties and responsibilities, and that would be the mechanism to have a review of classification.

THE DEPUTY PRESIDENT: Okay. So you might also need to amend the table in relation to - - -

MR WATSON: Oh, if it is agreed that there is a change, yes.

THE DEPUTY PRESIDENT: Yes, yes. Every time we amend the award now we have to do a new consolidation.

MR WATSON: Yes. No – well, I suppose, part of this is because we have so many work sites, you know, over 200, we thought the best way to do it was to actually spell out all the schools. It's not dissimilar to some other agreements and awards around the place that actually go by work site or certain formulas, but yes, look, I wouldn't imagine that there's going to be a lot of changes, but if we need to vary the award then - - -

THE DEPUTY PRESIDENT: We'll have to do it.

MR WATSON: Yes, yes.

THE DEPUTY PRESIDENT: Okay. Fine.

MR WATSON: Deputy President, just a couple of comments about what Kate said. First of all, the comments around the split campuses and all those different bits and pieces that form the duties and responsibilities of SEOs, we believe is actually picked up in the classification standards and the translations, and the other point I just wanted to make is that the School Administration Resourcing Agreement is a separate matter before Commissioner McAlpine at the moment, which we are obviously party to, and the third point is that the eight people that Kate raises, we're happy to discuss those people with the union, there's no problem with that, but if we don't end up reaching any agreement, then nothing will change in terms of the translation arrangements. That concludes our submission, Deputy President, yes.

THE DEPUTY PRESIDENT: Thank you. All right. Well, I indicate to the parties that the award will be varied in the manner sought with an operative date of 5 March 2009. This will be confirmed by way of written decision shortly. The matter is adjourned.

MATTER ADJOURNED at 10.50 am INDEFINITELY