

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T. Nos 1135, 1136 and 1151 of 1988

IN THE MATTER OF a hearing to
finalise the orders for the
Southern Regional Cemetery
Trust Staff Award, the
Technical Foresters Award and
the Technical Officers Award,
arising out of the State Wage
Case Decision

COMMISSIONER WATLING

HOBART, 23 February 1988

TRANSCRIPT OF PROCEEDINGS

COMMISSIONER WATLING: I'll take appearances, please.

MR STEVENS: If it please the Commission, I appear for the Minister for Public Administration, **MICHAEL STEVENS**. And I also appear for the Southern Regional Cemetery Trust.

COMMISSIONER WATLING: Good. Thanks, Mr Stevens.

Let the record note that there's no representation here from the Tasmanian Public Service Association, and it's now 10 minutes after the start of the hearing. So I don't know whether you've heard anything from them, Mr Stevens.

MR STEVENS: No, Mr Commissioner, I've heard nothing at all actually. I can't imagine why they wouldn't be here.

COMMISSIONER WATLING: Well the party's got notes of the hearing. I suppose it's up to them whether they turn up or whether they don't. They're not required to turn up. I suppose if we haven't heard anything we'll proceed in their absence.

I'm sure you'd know why we're convening this hearing. There's a need for us, in processing the national wage thing, to be able to calculate the junior rates. And we had this problem last time. So I think it's best for all concerned if the award shows some method of calculation, and it also carries out that bit in the decision that says:

"Where junior rates can't be calculated, then there should be an opportunity for all of the parties to have a say".

Well this is that opportunity.

So maybe if we can start and have a look at the ... say, the Southern Regional Cemetery Trust Award, or did you want to look at some other one first?

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STEVENS

MR STEVENS: Well if it pleases the Commission, I've got some exhibits that I'd like probably to run through. I've ordered them. It doesn't matter particularly which one we start with.

COMMISSIONER WATLING: That's the whole lot of the exhibits together?

MR STEVENS: Yes, we might as well just make it the one exhibit. It goes to all four awards, so you can either mark them 1, 2, 3 and 4, or just 1.

COMMISSIONER WATLING: We'll mark this Exhibit S.1.

Have you got any spares for the transcript or clerks or whatever?

MR STEVENS: Yes. I've got another two copies.

COMMISSIONER WATLING: Right.

MR STEVENS: Now what I thought I'd do with your permission is just to run through my methodology.

COMMISSIONER WATLING: Right.

MR STEVENS: And I guess if you've got any questions or any suggestions, fire away and we'll hopefully solve all the problems.

What I tried to do was to incorporate the percentages plus the parent award - parent in the sense that the percentages relate to a particular classification level which isn't contained in the award that we're dealing with.

If I could go to Technical Officers Award first.

What we've got here is the changes to incorporate junior rates to be age rates, so to speak, so we're getting rid of the junior and the adult. But we omitted to put in the percentages. And what I sought to do simply was to change the existing

MR STEVENS:

award by firstly putting in the percentages next to the actual age rates there - 16, 17, 18, 19, and 20.

And then, if you have a copy of the award in front of you, I'd seek between 20 years and 21 years and above to put in that proviso.

And similarly, for Class IA which appears over the page, would be identical. We'd have the percentage figures there, and then again, between the 20 years and the 21 years and above, would be the proviso there.

The difference of course is that Class I juniors are paid a different rate than Class IA juniors, even though once they achieve the age of 21 they both go on to the same career structure after that. And I thought that was quite a neat way of doing it.

It mentions the actual classification and the award itself of where you would find that classification.

COMMISSIONER WATLING: Right.

MR STEVENS: I don't know whether you'd have any suggestions or any queries.

COMMISSIONER WATLING: No. There's probably one thing I might raise, and that is ... maybe we'll just go off the record for a moment. We might get you an award ...

...

COMMISSIONER WATLING: Right. Well, now we're back on the record, I've got representation from the TPSA.

MR WILLIAMS: If the Commission please, **JIM WILLIAMS** representing the TPSA.

COMMISSIONER WATLING: Thanks, Mr Williams.

Right, Mr Stevens, you can continue if you like.

MR STEVENS: Thank you, Mr Commissioner.

I understand the TPSA have a copy of S.1, so if I could quote from that.

The Technical Officers Award I was just dealing with, simply seeking to put in the proviso, and I'd also take on board a suggestion during our off-record discussions, that we change the placing of the description of Class IA, so it's read with the title rather than at the finality of that particular clause ... sub-clause.

COMMISSIONER WATLING: In the proviso do you want us to change it to 21 years and over? The award says 21 years and above at the moment.

MR STEVENS: Yes, I think it ... I've noticed that actually on the way through that some say 'and above' and some say 'and over', so I've got no problem with which one is used as long as it's consistent.

COMMISSIONER WATLING: Right.

MR STEVENS: I think 'over' is probably the best.

COMMISSIONER WATLING: Right.

MR STEVENS: If I could move on to the Quantity Surveyors Award, this just briefly is an award ...

COMMISSIONER WATLING: Well, maybe before we go any further, we'll see if the TPSA has any objections to that particular

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COMMISSIONER WATLING: amendment.

MR STEVENS: With the Tech. Officers?

COMMISSIONER WATLING: Yes.

MR WILLIAMS: No, we have no problems with those ...

COMMISSIONER WATLING: No problems?

MR WILLIAMS: ... amendments, Mr Commissioner.

COMMISSIONER WATLING: Right. We'll move on to the next one then.

MR STEVENS: If I could just briefly state that the Quantity Surveyors Award is an award that has yet to be updated to put in the controlling authority, parties and persons bound and junior rates. As the Commission is well aware what we've been seeking to do over time is to replace the notion of junior and adults with just single rates, but they'd be age rates. So you would go 16, 17, 18, 19, 20, 21 years and over for all classifications rather than having a separate classification for what were previously called 'juniors'.

Now what I've attempted to do is to incorporate that as well as the percentages in this actual award. Now a quick scan of clause 8. Salaries, will show that a cadet is the only person who would be paid a different scale for being under the age of 21. The reason being of course that once a surveyor is qualified it's considered to be a promotable position, so he would start on the Class I first year of service regardless of the age.

So what I've sought to do is to first change clause 8. Salaries by putting in the provisos that someone under 21 years of age shall be paid the salary they would normally receive on attaining the age of 21 should they have dependents - that's in line with

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MR STEVENS:

changes in all other awards. And A, B and C are the consistent, or the wording that has been used in all other awards.

Then I go down to Quantity Surveyor and start Cadet there; 16, 17, 18, 19 and 20, with the percentages in brackets. The actual salaries, which are the updated salaries or, hopefully, they're the updated salaries.

And again, we would have that proviso that would point us to the classification itself in the award, as to what those percentages relate to.

And then we just start: 21 years and over ... sorry, that should be 'over' rather than 'above' ... first year of service. So we've just continued with the award as it is at the moment.

And similar ...

COMMISSIONER WATLING:

Now we go on to 16,000 and up to 18,000?

MR STEVENS:

No, we'd start ... yes, yes. Sorry, yes.

And similarly, as incorporated in the juniors, that way I would seek to have clause 10 deleted in toto.

COMMISSIONER WATLING:

Right.

MR STEVENS:

And the other clauses renumbered accordingly.

COMMISSIONER WATLING:

Right.

Mr Williams, have you got any ...

MR WILLIAMS:

We have no objections to ...

COMMISSIONER WATLING:

No objections? We're all agreed?

MR STEVENS:

They get harder as we go on.

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COMMISSIONER WATLING: I thought you started with the easy ones.

MR STEVENS: The next one that I'd seek to turn to is the Technical Foresters Award. Again, this is an award that has yet to be varied, so I've sought to do the same thing.

Now there is a slight difference in this one, and I'd seek the Commission's indulgence in the way I've done it.

Similar to the Quantity Surveyors, once a person becomes a Technical Forester they won't be paid junior rates. They'll be paid the rate for the job, which is, in the case of Technical Forester, Class I first year of service being 16,417. It's considered to be a promotable position.

But I do have a problem with number E, which is the Assistant Technical Forester. Now I've been through all departments and nobody employs an Assistant Technical Forester, let alone a junior one. That's not to say that the rate won't be used. So what I would be seeking the Commission's indulgence, is that if we put on a Junior Assistant Technical Forester we would come back to the Commission and seek to incorporate the age rates. But, that's if I come to that part last ...

If we go to Trainee Technical Forester, we have No.1 Junior, and what I've sought to do is exactly the same as I did in the previous Quantity Surveyors Award, in that I've put in the provisos going to an employee under 21 years of age having dependents, and then I've put in the age rate 16, 17, 18, 19 and 20, with the percentages, the new salary rates and the reference back to the Clerical Employees Award.

So it's exactly the same. The only difference between this award and the

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previous Quantity Surveyors is, in my view, that clause (e) which is Assistant Technical Forester, which if there was a junior would be paid under the old scale 2.

Now we could put ... I could put one in, I haven't. It wouldn't be particularly difficult to put one in, but I thought perhaps I'd just leave it and then give you the undertaking that should we place one on we'd come back and seek to do it at that stage.

COMMISSIONER WATLING: Right.

Mr Williams, any objection?

MR WILLIAMS: No objections, sir.

COMMISSIONER WATLING: No objections. Right.

MR STEVENS:

Thank you, Mr Commissioner. Now for for my piece de resistance, the Southern Regional Cemetery Trust. Again this is an award that hasn't been varied to incorporate the Tasmanian State Service Act and other changes.

COMMISSIONER WATLING: Thanks, Mr Stevens.

MR STEVENS:

Thank you, Mr Commissioner. The Southern Regional Cemetery Trust, again there is another award that we have yet to vary. We have the situation here where we have two current classifications of an Administrative and Clerical Officer and an Office Assistant, etc. That's number B.

Now what I've sought to do is just to incorporate the junior rates into both those classifications. So if we take the first one first, start from clause 8, we would have those provisos that relate to juniors' dependents and also the fact that if a junior gets a position above a Class I, they will be paid at that class regardless of their age. That's the first 'provided that'. That's consistent with other awards and how we've been treating this matter in other awards.

The 'provided further' goes on to the matter of dependents and then we go to the Administrative and Clerical Officer. Again I've got the Class I with the percentages and the salary per annum.

Now I've got the same wording for the proviso which relates back to the Clerical Employees Award but it clicked suddenly, in fact on the way over, that in fact the Class I, 21 years and over, is in fact contained in this award itself. So we may not have to go back to. We can make this whole award internal. So I'd seek in running to vary that proviso refer in fact just to the Class I, 21 years and over, first year of service of this award.

If we go over to part B, Office Assistant, I've got all the classifications there. I've done the same thing with the 16, 17, 18, 19 and 20. Again I'd seek the same changes because you don't have to

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refer in fact to another award because the rate is contained as the 21 years and over Class I, Grade 1.

The provisos that I've got on the rest of my exhibit are the provisos that currently exist in clause 8(c), the Junior Officer. If you turn over to scale 3. So by incorporating those in the major part, they will be paid to the underage (so to speak) employees under that particular range.

And then we just flow straight on to the Class I, Grade 2, Grade 3; Class II, Grade 1, etc.

Similarly, if we do that then I would seek that we delete the whole of sub-clause (c).

That's basically the extent of my submissions. I personally think it is a neat way of doing it because now all these awards you know exactly where to go and what to do and they've also been brought up to reflect the Government's attitude to junior and adult officers, basically amalgamating them and just having eight scales. So it saves us coming back some time in the near future doing it again.

And hopefully we'll be back before this Commission as currently constituted to vary these awards to bring them all up to date with definitions, parties and persons bound, etc.

COMMISSIONER WATLING: Right. Mr Williams, have you got anything you would like to put forward? Are you happy with that?

MR WILLIAMS: Not at this point, Mr Commissioner. We are quite happy with the amendments as proposed.

COMMISSIONER WATLING: Well, can I say that this hearing is really for the purpose of processing the decision that's been handed down.

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COMMISSIONER WATLING: So therefore it won't be necessary handing out any decision. But the record will show that the juniors have been arrived at in the orders via this conference, and it's my intention to pick up the agreed matters put before me in this conference.

So I won't be handing down a special decision because the decision's already been handed down in terms of the national wage, but the transcript of these proceedings will be attached to the national wage file so that at any stage you want to look them up it'll be there. But this is just to finalise the orders.

So I'll pick up those matters and we'll try and get the orders out as soon as possible.

No other matters that need to be raised?

MR STEVENS: No, thank you.

COMMISSIONER WATLING: Well, I'll thank you for your attendance and we'll get to work on these.

Thank you.

HEARING ADJOURNED