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PO Box 13038 George St Post Shop BRISBANE QLD 4003
Tel:1300 308 420 Fax:(07) 3503-1199
Email: orders@auscript.com.au Website: www.auscript.com.au

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TRANSCRIPT OF PROCEEDINGS

O/N 104236

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT P.C. SHELLEY

T No 13412 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 10 and
Communication Technology Classification Structure**

HOBART

10.35 AM, TUESDAY, 7 APRIL 2009

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THE DEPUTY PRESIDENT: Thank you. I'll take appearances, please.

MR K. GREY: Thank you, Madam Deputy President. Grey, K. representing the Minister administering the State Service Act 2000.

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THE DEPUTY PRESIDENT: Thank you.

MS K. JACKSON: Deputy President, Kate Jackson on behalf of the CPSU (SPSFT) Inc.

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MR D. PYRKE: If the commission pleases, Darryl Pyrke appearing on behalf of the Association of Professional Engineers, Scientists and Managers, Australia.

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THE DEPUTY PRESIDENT: Thank you. Now, there is any number of unions who are party to this award, all of whom have to be served with the notices, but I think that the relevant unions are actually here today. I have a very pretty document here on my bench, that was provided by you, Mr Grey. Perhaps you'd like to tell me all about it.

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MR GREY: Thank you, Deputy President. The document that you've got is really a pictorial representation of the structure of the proposed appendix 10.

THE DEPUTY PRESIDENT: Do you want this to be an exhibit and form part of the file?

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MR GREY: Yes. It can be an exhibit and form part of the file. It's really for ease of the explanation - - -

THE DEPUTY PRESIDENT: Okay. I will mark it - - -

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MR GREY: - - - for want of any other

THE DEPUTY PRESIDENT: We'll mark it A1.

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EXHIBIT #A1 PICTORIAL REPRESENTATION OF THE STRUCTURE OF THE PROPOSED APPENDIX 10

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MR GREY: This application seeks to insert a new appendix 10 into the back of the - to the State Service Award and, I guess, to the Health and Human Services.

THE DEPUTY PRESIDENT: Okay. Now, are you quite satisfied that the new appendix 10 is correct and is tabulated in the manner in which you wish it to be tabulated?

45
MR GREY: I understand the commission has its own format.

THE DEPUTY PRESIDENT: Well - - -

MR GREY: And - - -

- 5 THE DEPUTY PRESIDENT: Well, with appendix 9, we've just issued a correctional letter for that because it wasn't set out in the way in which TSMO thought it should have been set out. In other words, we did it as they said, but then they didn't want it that way. So that's why I'm checking.
- 10 MR GREY: Madam Deputy President, I am confident that this has been negotiated and sorted out. This meets the requirements of the parties, however, if the commission has a requirement for different formatting - - -
- 15 THE DEPUTY PRESIDENT: No, it's not that. I just want to make sure that you're satisfied that this document is correct.

MR GREY: Yes.

- 20 THE DEPUTY PRESIDENT: Because we have - just as I said, had to issue a correction order for a previous document that you supplied that was not correct. I don't necessarily mean you personally. Okay.

- 25 MR GREY: I understand. Yes, I'm quite certain this is correct. This is the document that's been circulated to the State Service Agencies for quite some time for their feedback. It's a document that has been negotiated and addressed in every detail with the CPSU, and all parties are happy with what it represents and what it seeks to do. As you may realise, appendix 1 of the State Service Act review process level 3 - - -

- 30 THE DEPUTY PRESIDENT: What page number is it?

MR GREY: Will be – sorry, it is appendix 1.

THE DEPUTY PRESIDENT: Is it 145?

- 35 MR GREY: Yes, or 148. Appendix 1, section 2, translation and targeted occupational groups.

THE DEPUTY PRESIDENT: Yes.

- 40 MR GREY: The – one of the targeted occupational groups for the Department of Premier and Cabinet/All Agencies was computer systems officers, including TND. This proposed appendix 10 is the outcome of that target occupational group, having its classification standards, structures and arrangements tailored for their needs and for that work. In all respects, it mirrors their provisions of the Tasmanian State Service Award in terms of classification standards and structures, except for two groups of employees.

If you go to A1, Deputy President, you can see that the Information and Communication Technology Officer - Employee 1 is a vast range of bands 1 to 4 and includes four groups of employees; one trainees, one cadets, graduates and then there are technicians. The trainee cadet and graduate salaries mirror the State

5 Service Award salaries.

The technician's salaries are different. They are different because there was, under the previous arrangements for computer systems officer level 1, there were no - there was no category of technician. So we were informed that there were a group of 10 employees who didn't undertake formal studies and training, but did in-house courses, who were incredibly useful and incredibly valuable because they did work specific – they did training specific to their work.

Now, some of these people later, or as they get older, or become older, do graduate -

15 undergraduate studies, some choose not to. But the existing arrangements were variously covered. Some were employed as computer system officer level 1, some were employed on the admin and clerical scale at levels 2, 3 or 4. There wasn't a structure that was suitable for those employees. So the only variation if you like, is 20 the technician – the new technician's scale has a seventh level, salary progression.

It might seem perhaps excessive, but it was designed to provide incentive for those employees. It was designed to be slightly - take slightly longer than it would be for a cadet who is working part time, studying part time, that would take six years, but to reach the same end points as a cadet or a graduate. Trainees again, mirror the 25 provisions of the traineeship – of the trainee's salary scales in the State Service Award.

Information and Communication Technology 2 is – the classification standards and the salaries are the same as the State Service, and Information and Communication

30 Technology 3 is the other areas where there's a variation, and that is to provide classification – supplementary classification standards for employees to move across from range 1 to range 2 in band 6 through the advanced assessment. The other classifications are as for the rest of the State Service as in the award.

35 The specific arrangements that we have applied to these employees is, subject to your approval, this would come into effect from 5 March 2009 or 8 March 2009 according to the award. The salary progression for all employees as ICT 1 continues to the top of band 4. So while, if you like on chart A1 there are seven salary points highlighted, the employee can see, if they haven't been promoted or otherwise 40 classified, still would progress to the top of band 4.

The translation arrangements for technicians or employees who are to be deemed technicians are to be as provided in the translation table, which is at the back of the appendix, which effectively moves employees to the next nearest highest salary on 45 their next anniversary after translation.

- The previous computer systems officer 1 finished at the equivalent of old admin clerical 5 and 3, which on the chart A1 is B4R12. Those employees had no further progression, so consistent with the arrangements of the State Service Award, employees who have been at that salary for 12 months or more, are to be assessed
- 5 against the criteria in this appendix to see whether they are suitable for advancement, beyond the advancement assessment point to B4R21 and that is to apply for employees who are approaching their anniversary, 12-month anniversary date as well.
- 10 And because of these new arrangements, and because, if you like, there is a small retrospective effect of applying the new criteria for the advanced assessment points, for employees who in that situation, who would otherwise not satisfy the criteria for advancement, to be moved to be paid the salary of B4R13, for 12 months until 5 March 2010 or 8 March 2010, whichever is appropriate, in order that there are no
- 15 categories of employees in this proposal who would be disadvantaged compared to the salary progression for all other state servants.

- And all employees who were previously employed as computer system officer level 2 have a two-point salary progression. On the chart they were paid the salary of
- 20 B4R22 and then moved to B5R11, a two-range scale. All of those employees are to be paid at the salary of B5R11, from the operation of the appendix and, of course, normal salary movement through the range in band 5 will occur on the next anniversary of the employee's employment.
- 25 THE DEPUTY PRESIDENT: In your application that the commission received, the salary progression – there's only tables for the ICT1 technician and trainee.

- MR GREY: Yes.
- 30 THE DEPUTY PRESIDENT: That's all that you meant to provide?
- MR GREY: Well, the other translation arrangements are already in the award.
- THE DEPUTY PRESIDENT: Okay.
- 35 MR GREY: Yes. There's a variation for the ICT trainee compared to the trainee rates in the award.
- THE DEPUTY PRESIDENT: So do these tables need to be inserted - - -
- 40 MR GREY: Yes.
- THE DEPUTY PRESIDENT: - - - in the award?
- 45 MR GREY: With the appendix, yes, Deputy President.

THE DEPUTY PRESIDENT: So we have to make sure they go – in terms of where they will be located in the award, would they be located behind the appendix or would they need to be inserted into the - - -

5 MR GREY: Behind the appendix because it relates to these employees only.

THE DEPUTY PRESIDENT: Okay. Is that going to be user-friendly?

MR GREY: I think everything in one place. The relevant documents would be in
10 one place.

THE DEPUTY PRESIDENT: Okay.

MR GREY: I think so. Deputy President, I believe that that's all I need to say. We
15 believe this proposal satisfies the wage fixing principles and section 36 of the Industrial Relations Act regarding public interest.

THE DEPUTY PRESIDENT: Thank you. It's interesting to hear you say that in view of what's been in the press in the last day or two which is somewhat ironic and
20 it's talking about no promotions, no incremental progressions and wage freezes. But you're telling me that's in the public interest, and I'll take your word for that.

MR GREY: These proposals of the State Service Award and the structures, the standards and the need for them is undiminished, despite the potential financial
25 crisis. These arrangements need to be made, they need to be in place for the day when the crisis - financial crisis moves on and employees need to be properly managed and catered for in order that the service can continue to provide the services the community expects and needs. So I don't see there's any irony, Deputy President.

30 THE DEPUTY PRESIDENT: Thank you, Mr Grey. Ms Jackson.

MS JACKSON: Deputy President, thank you for the opportunity to talk about this. This has been a robust discussion at some points, but I think that we have come to a very good outcome and one that people will be happy with. There's a couple of points I'd like to make, some probably reflect abundant caution on my behalf, but I think you can't be too careful sometimes. Okay. The date of application will be 5 March or 8 March if that's the Tasmanian State Services Award or the Health and Human Services Award respectively.

40 I'm sure this goes without saying in the award, but obviously this means any increases due to those people will be paid as though they were translated to those points on 5 or 8 March, whichever it may be. So the translations take effect from that date, that any increases do take effect from that date. Then I would like to add, 45 salary progression continues to the top of band 4 for all ICT1 employees.

This is appropriate, because we feel that it's not appropriate to stop people in the middle of a band. The structure here only specifically points out the seven progression points Mr Grey mentioned in his submission. But I would like to point out, and make it very clear, once people reach band 4R21 which is the last nominated 5 progression point for ICT1 technicians anybody in ICT1 who is not a trainee, still will progress through band 4R22, band 4R23 and band 4R24. So they will end up at the top of band 4, the same as if they were in band 4.

Next I would like to add, all ICT - anybody currently employed in CSO1 will be 10 deemed a trainee, a technician, sorry. So they go into there and follow through those progression points and then the final progression points, unless they were employed as a graduate or a cadet. But anyone currently, we understand would be an ICT1 person and so they would carry on. And the translation is according to the 15 translation tables, so as Mr Grey said, they go to the next available high salary point on their next anniversary.

One of the things we've only recently discussed is the arrangements of people currently at what used to be admin and clerical 5 year 3, so that puts them at band 4R12. Now the next available thing for them is to pass the advanced assessment 20 point. Some people may not, and in that instance they would progress to band 4R13. This won't happen after 5 or 8 March 2010, so for one year only these people have an extra increment point that won't apply after that. During that year, either on request or at the agency's initiation they can be assessed against the advanced 25 assessment point and then moved up accordingly. After that they're back in the ordinary running of things. They go to band 4R21 and then through the rest of the points as appropriate.

Now, there's one point I'd like to make, and again, this is probably being abundantly cautious, but Mr Grey, when talking about current CSO2s or future ICT2s, said that 30 people currently at band 4R22 which is the old ICC63 which used to be the first increment of CSO2, they will be paid the salary of band 4R11. Now, I'd like to add, not only will they be paid that salary, they will be translated to that point, so they will become band 5R11 and then they will progress through those salaries accordingly up to the top of band 5. I think that concludes my submissions. It does. I think this will 35 be a good and robust structure that ICT people or formerly CSO people will be happy with. Thank you.

THE DEPUTY PRESIDENT: Thank you. Mr Pyrke?

40 MR PYRKE: Thank you, Deputy President. Nothing to add to the submissions made by Mr Grey or Ms Jackson, but I'll certainly support the application. If the commission pleases.

45 THE DEPUTY PRESIDENT: Mr Grey, do you wish to respond to anything that Ms Jackson said?

MR GREY: Deputy President, only to endorse and only to agree that that was the intention of the arrangements and perhaps, in closing, Deputy President, I would like to say that the idea of having computer systems officers as a targeted occupational group, I think was well – I think these new arrangements demonstrate that was a worthwhile exercise to do. I believe the supplementary classification criteria for ICT1 and 3 employees are relevant to the work they undertake at those levels.

The reason the parties, if you like – and this includes agencies and more specifically a number of both CPSU members as well as agency computer managers agreed – this criteria suited the purpose of advancing the career development of employees who otherwise, or previously have been very poorly served by – the descriptors they had were meagre – they did not provide for salary progression, for rises, for career advancement and development.

It was very much left to the individual employee and an agency to work out arrangements. However, the informal arrangements they had with the private sector, and internally with each other apparently were very well networked arrangements. These really formalise and reflect what has been the general practice and the general understanding of these people. It might not have been the general understanding and acceptance of all agencies. So from the Minister's point of view it was a worthwhile exercise and we think we have achieved a result that matches the requirement of the work. Thank you.

THE DEPUTY PRESIDENT: Thank you. Ms Jackson?

MS JACKSON: Sorry, Madam Deputy President, might we go off the record for a second?

THE DEPUTY PRESIDENT: Yes, sure.

OFF THE RECORD

[11.00 am]

RESUMED [11.02 am]

THE DEPUTY PRESIDENT: Okay. Well, the award will be varied in the manner sought and that will be confirmed by way of a written decision. I would like to congratulate the parties. This looks like an enormous amount of work, and you did say that it had been robust at times, but you've got there, and the matter is adjourned.

MR GREY: Perhaps, Deputy President, could I just clarify one thing I just thought of?

THE DEPUTY PRESIDENT: Yes.

MR GREY: Our application seems to have only sought to vary the Tasmanian State Services Award.

THE DEPUTY PRESIDENT: Yes.

5

MR GREY: Do you require another application to vary the Health and Human Services - - -

THE DEPUTY PRESIDENT: Well, we do. Which operative date actually applies?

10

MR GREY: 5 March for the Tasmanian State Service Award and 8 March for the Health and Human Services.

THE DEPUTY PRESIDENT: Okay. Now, what we could do is, you could vary your application now, on the record, to include the Health Services - - -

15 MR GREY: Health and Human Services, brackets, Tasmanian State Service - - -

MS JACKSON: Is that right?

20

THE DEPUTY PRESIDENT: Health and Human Services, brackets - - -

MS JACKSON: You were right. Health and Human Services (Tasmanian State Service) Award.

25

THE DEPUTY PRESIDENT: Tasmania or Tasmanian?

MS JACKSON: Tasmanian.

30

THE DEPUTY PRESIDENT: So Health and Human Services, bracket, Tasmanian State - - -

MS JACKSON: State Service, close brackets, Award.

35

THE DEPUTY PRESIDENT: Okay. And you have no objections to the application being amended in that manner?

MS JACKSON: None whatsoever, Deputy President.

40

THE DEPUTY PRESIDENT: Okay. So this will be - this application will be approved to apply to both awards with operative date of 5 March for one and 8 March for the other. This matter is adjourned.

MR GREY: Thank you, Deputy President.

45

MATTER ADJOURNED INDEFINITELY

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EXHIBIT #A1 PICTORIAL REPRESENTATION OF THE
STRUCTURE OF THE PROPOSED APPENDIX 10

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