

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

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

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

re making of a new award

COMMISSIONER GOZZI

HOBART, 27 September 1994
continued from 11/5/94

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: Could I have changes in appearances please.

MR T. KLEYN: If the commission pleases, I'm not sure if I was here last time. Appearing on behalf of the Health Services Union of Australia, Tasmania No. 1 Branch, TOM KLEYN. And with me this morning is **CHRIS BROWN**.

5 COMMISSIONER GOZZI: Yes, thank you, Mr Kleyn.

MR M. WATSON: If the commission pleases, MARK WATSON. I appear on behalf of the Tasmanian Chamber of Commerce and Industry, and also on behalf of the Community Services Employer Organisation, Tasmania. And with me is **TERRY KAY**.

10 COMMISSIONER GOZZI: Yes, thank you, Mr Watson. Now I understand the proceedings today, and the remaining proceedings, for that matter, are to deal with the classification structure and the salaries that attach to that structure. That's my understanding of what's outstanding. Is that the situation, Mr Paterson, and a study?

15 MR PATERSON: That's correct, Mr Commissioner, with a number of associated matters that we have on the table in terms of the document that we've been negotiating with the employers, which includes definitions relevant to those classifications, an appendix and an implementation schedule, and a study and training leave clause, and a clause that would provide for the aggregation of payments to allow, on a weekly basis, loadings and allowances to be collapsed into a weekly wage provided they were in accordance with the structural efficiency and flexibility clause of
20 the award.

There's been no discussion of any great length on those so I think it's probably appropriate that before the end of tomorrow that the employer and the union have some negotiations on those. But they are on the table as the union's position.

25 COMMISSIONER GOZZI: Right. Now I only missed one there: definitions, appendix - what's the appendix about?

MR PATERSON: The appendix is a user guide - it's called: Classifications User Guide. And the way the document is currently tabulated, the implementation proposal would form part of the appendix.

30 COMMISSIONER GOZZI: All right, the implementation schedule you referred to. The implementation schedule.

MR PATERSON: The implementation schedule which -

COMMISSIONER GOZZI: And what came after implementation schedule?

MR PATERSON: There's a minor sort of three line provision before aggregation of payments.

35 COMMISSIONER GOZZI: Yes, I've got -

MR PATERSON: And the other provision contained within our proposal or within our document is training and study leave.

COMMISSIONER GOZZI: Oh, that's the one, yes. All right, thanks, Mr Paterson. Are you going to lead off?

40 MR PATERSON: That's the proposal I think we have before us.

COMMISSIONER GOZZI: All right, thank you. Perhaps you'd like to start.

MR PATERSON: I won't take any time on the flowery rhetoric about how we got here. I will outline very briefly what I propose to do over the next 2 days, being the principle submission by the Australian Services Union, by our short title we're known as that, and allowing within that time frame time for the Health Services Union to have their contribution as well.

My proposal for today is that I intend to formally table some minor matters to do with the principles that I believe these proceedings should and are bound - both are bound and appropriate to adhere to, to table a range of documents that have been presented to the parties during the informal conferences, and to then proceed with two witnesses today and if time permits to table various documents and make some brief submissions in relation to the nature of work in the industry.

The witnesses I have today have limited time available to them. I've tried to schedule something like an hour to an hour and a half for each one. Mr Paul Duncombe, who is the Executive Director of the Family Planning Association, will be here around 11.30, and there's Liz De Vries, the executive officer - I think she's called - of the Migrant Resource Centre, will be here around 2.00. I've asked that we try and engineer our break to facilitate those witnesses appearing at those times.

COMMISSIONER GOZZI: How do you spell De Vries?

MR PATERSON: D-e V-r-i-e-s, as two words, I think.

COMMISSIONER GOZZI: Oh, De Vries, right. And where's she from?

MR PATERSON: The Migrant Resource Centre. Both of these people I believe we met in our inspections.

COMMISSIONER GOZZI: Yes.

MR PATERSON: Tomorrow I have witnesses arranged to come at 10.30 and 12.00, being Miss Kate Lord from an organisation called Stepping Stones, at 10.30, and a Ms Jai Friend from Hobart Women's Shelter around 12.00. That's J-a-i Friend. That would leave then tomorrow afternoon free for submissions.

COMMISSIONER GOZZI: Yes, well that sounds all right.

MR PATERSON: Within that framework I also - and at this stage I'll leave it until later this afternoon. I would propose within that framework that there be some time this afternoon, after we've concluded hearing evidence from Ms De Vries and whatever cross-examination, as appropriate, that there be some time this afternoon for principal submissions from the union. Basically I intend to - and believe we need to put some points on record as to the structure and framework of the classification document. And I propose to leave that until later this afternoon.

Tomorrow afternoon I would propose to make principal submissions around the appropriateness of the relativities and the supporting evidence for the relativities as proposed by the Australian Services Union.

COMMISSIONER GOZZI: Mm.

MR PATERSON: So from there I'll proceed firstly - although it's not a wage fixing principle of this commission, the Australian Industrial Relations Commission has just brought down its Safety Net Adjustment and Review Document, September 1994, and I'll put that forward as a submission.

COMMISSIONER GOZZI: Why would you want to do that? There's no guarantee that that would happen here, Mr Paterson.

MR PATERSON: Well the argument is not that it should or must, but that in particular - and I don't need to table it, I suppose, I can just speak to it - that one of
5 the provisions in that is that in the making of a first award structural efficiency principles and consideration should apply to the making of that award. And whilst that's not a principle of this commission or a principle that it's bound to, I believe it's a guideline that takes us further than the first award principles of merely the prima facie rates and conditions. I believe it's an argument that we have recognised in the
10 proceedings to date and I believe it is a provision and a consideration that should guide us.

COMMISSIONER GOZZI: Mr Paterson, it's not relevant. You're committed and confined to the wage fixing principles as they are. You're confined to the - and probably confined is the wrong word, but the principles that apply here are the state
15 wage fixing principles and the structural efficiency principles and the first award principle. You can't seek to use a principle that hasn't been - our wage fixing principles simply haven't been amended to reflect what the federal decision is, and there's no saying that it will be.

MR PATERSON: That's certainly the case in respect of the federal commission. I
20 acknowledge that it arises in a particular set of circumstances. However I'll leave it as -

COMMISSIONER GOZZI: You can't - I mean you can put it to me. I'm just simply saying to you that you can put it to me but I'm not going to take any notice of it.

MR PATERSON: Well that being the case, then I suppose the principal provision that we clearly are bound by then is, in the first instance, the existing rates of
25 conditions and the documents I'll table that have been provided to the parties previously in informal conference will respectively outline the diversity and the range of existing rates and conditions. The survey which I believe we tabled previously in evidence and I believe that the analysis of the survey being P.1 I believe, is the framework of the existing rates in the field. The surveys and the inspections and the
30 material to date I believe goes to show that there is a diversity of rates and conditions that the existing rates are not driven by any market force that would produce any uniformity. They've related to funding - funding proposals which bear no relationship within the terms set down by funding bodies that go to any relevant industrial principle. This takes us then I believe to the position that we subsequently in this
35 exercise must look to the structural efficiency principle as a guide to how the rate - how the classifications and rates ought to be determined in this award - in this award making process.

The structural efficiency principle therefore, I believe, is relevant, that what we are about in this exercise is putting in place ~~classifications and rates~~ of pay that effectively
40 implement within this framework of this industry the structural efficiency principles. In particular, I believe that we need to look to a decision or a - need to look towards a process here - and certainly the union's position is based on a proposal or a classification structure and relativities that give effect to the structural efficiency principle, in particular, establishing skill related career paths, providing incentives for
45 workers to continue in skill formation, creating appropriate relativities between different categories of workers within the award and including properly fixed rates for classifications in awards related appropriately to one another.

I believe that that is the guiding direction of this commission as to the wages and classification structure that we should look for.

5 Whilst talking to the question of principles, I'll also briefly make reference to the decision of a full bench in this jurisdiction in 1986 which, as the commissioner and some of the other parties will be aware, essentially found that the appropriate time to consider any capacity to pay arguments or exemption arguments is after the award is in fact made. I don't think there is any need at this point to table that as a decision. I believe that that is a principle that also should guide our determinations here.

COMMISSIONER GOZZI: Yes. Well I think that's enshrined too in the current principles. I think the economic incapacity wage fixing principle provides for that.

MR PATERSON: Well that being so, then I -

10 COMMISSIONER GOZZI: See the economic incapacity principle simply says, amongst other things:

The merit of such an application shall be determined in the light of the particular circumstances of each case.

- et cetera.

15 MR PATERSON: To move further on then, the documents I'll proceed to put before the commission essentially are documents that have been at least tabled in earlier proceedings albeit informal proceedings and not on the record.

20 COMMISSIONER GOZZI: Just so that we are clear, and I think it's important to establish under which set of wage fixing principles this matter is being dealt with. I'm a little concerned by, you know, reference to other principles because principles do change. Once upon a time comparative wage justice was used and that's now prescribed and has been for some time, just by way of an example and I think it's important for the parties to understand which set of applicable wage fixing principles apply in this case because they do change from time to time.

25 MR PATERSON: The principles in terms of the structural efficiency principles I believe, in my reading, says that they are in essence unchanged since the October '89 decision.

30 COMMISSIONER GOZZI: Well I would have said to you, Mr Paterson, that in my opinion, subject to what anybody else might say, having regard to the history of the applications, we are in fact working to the October 1989 State Wage Fixing Principles. Now at that point in time in 1989 there were two decisions - it's just important to clarify it so that if the need arises we can go to those particular principles, but if you look at the October 1989 decision which I'm trying to find here - there was a decision on the 30th of October 1989 which picked up the wage fixing principles and that contains a structural efficiency principle and there was a supplementary decision in November 1989. But to all intents and purposes what we're talking about here are the October 1989 State Wage Fixing Principles which had as their base the August 1989 Federal National Wage Case decision and generally those two documents are interchangeable. I mean, the background, because those decisions picked up I think not just the principles, but also the reasons for decision although you'd have to check that if it became an issue.

40 MR PATERSON: I certainly concur that that's the framework of the principles that we are working to.

COMMISSIONER GOZZI: Yes. See, the application goes back to - oh, well -

MR PATERSON: The application by the employers I believe was made in December of 1989, with the application by the union made in January of 1990.

5 COMMISSIONER GOZZI: That's it. So that's - so as long as we understand that we're talking about those principles and just talking about the economic incapacity aspects then, because there have been some modifications to the economic incapacity, but in 1989 what I said to you applied at that time as well, that the merits of each application shall be determined by the particular circumstances of each case.

10 MR PATERSON: I don't have any - no issue that I take with that, and I - in terms of the principle - the principle I think is important to make is that the - is the relevance in fact of the structural efficiency principle to this exercise.

COMMISSIONER GOZZI: Yes, I - look - yes -

15 MR PATERSON: And that that is a principle that needs to be taken into account as an overlay on top of the longstanding prima facie existing rates principles. That is probably the sole relevant - or the single most relevant principle to these proceedings. And if I can proceed to table a number of documents which I'll do as separate - the first document was tabled in - or provided to people earlier in formal proceedings is headed SAAP - notional full time equivalent salary subsidy formula which indicates the funding formula that applied to SAAP services in 1993/94.

COMMISSIONER GOZZI: And that's ASU.5, I believe.

20 MR PATERSON: The second document that I tender is a collation - a graphic presentation of rates as applying in the survey including some updated information as against a number of other awards of award proposals, specifically the ASU Tasmania claim, the comparable award in South Australia, the CETSS Award covering Skillshare, the Tasmanian Clerical and Admin Employees Award and the Tasmanian
25 Child Care and Childrens Services Award.

COMMISSIONER GOZZI: ASU.6.

30 MR PATERSON: The second document - quite similar to that but with a different presentation, presents the 1992 survey and other information on SAAP funded services aligned with the survey done with the employers earlier this year. On the left of the sheet and a breakdown of the 1992 services according to, in the first instance, Neighbourhood House positions, and in the second instance Home and Community Care program - abbreviated HACC - and then specialist positions and a further column of updates on that information.

COMMISSIONER GOZZI: Exhibit ASU.7.

35 MR PATERSON: The next document is - has a cover sheet which basically - and the document basically tabulates that information in a typed form - selected advertised rates '92 - August '92 to October '93, basically from - not from the survey but from advertised positions appearing in the public media.

COMMISSIONER GOZZI: ASU.8.

40 MR PATERSON: And the final document in this series that I wish to provide has a cover sheet which includes two recent press clippings about new services being funded in - in Tasmania, several recent advertised positions and most of the advertised positions that are presented in that previous document - ASU.8.

COMMISSIONER GOZZI: Exhibit ASU.9.

MR PATERSON: To go briefly to some of the information contained in those - in that information and initially to go to- to go to ASU.6, which shows the full spread of - of rates of pay presented according to three - four broad categories of a position. I mean the survey itself was in some instances difficult to interpret. This is not presented as
5 any statistical hard and fast document, it's indicative and the survey as presented earlier - and I believe the exhibit number was P.1 - certainly went into more detail on the spread of rates of pay.

One important characteristic of this, I believe, is that setting aside the shelter positions, being that they are shaped by a particular funding formula, and looking at
10 the rest of the positions, one notes that there are very few positions below the hundred per cent rate then applying other than administrative and clerical positions. In fact, leaving aside the shelters and the admin positions there is only one identified in the generic and specialist social welfare worker, community support worker - however titled - below that hundred per cent figure.

15 The spread from there up shows some aggregations around 25 to 30% and then around 35 to 40 and 45 to 55, but apart from those concentrations the diversity is clearly demonstrable.

At the top end of the range in the survey was a position which equated in relativity terms on a 417.20 base rate of 233%. I believe that was a salary package of around
20 \$60,000 for a statewide counselling service.

The positions - or the indicated rates on the survey figures that are marked by asterisks as opposed to dots are in fact updates and updated information, not information gathered at the time of the survey.

25 COMMISSIONER GOZZI: How do you mean? You've gone back to the places concerned to see what they're paying now?

MR PATERSON: In some instances that's so, in some instances they were advertised and basically those updates are drawn from or related to ASU.8.

COMMISSIONER GOZZI: Because since 1992 there's only been the - the safety net adjustment.

30 MR PATERSON: In many respects -

COMMISSIONER GOZZI: February '92, and then the safety net adjustment in December '93.

MR PATERSON: The practice in an award-free area of course is that I think by and large even that safety net would not have been widely applied in principle.

35 When the wage fixing principles provided for percentage increases it was relatively easy for organisations with a commitment to pass on those sort of increases to identify the rate that applied and to increase it applied properly.

In a number of instances I believe that there has been a movement in wages that reflects the imminence of this award, and particularly looking for instance to the SAF formula as indicated on ASU.6 as well as in specific detail in ASU.5, the movement in
40 the SAF funding formula tended not to relate to wage case decisions but I believe the indexation that applied tended to reflect movement in average weekly earnings.

So there were times over the life of the SAF program where the formula moved in excess of wage-fixing decisions, particularly in the period when structural efficiency
45 minimum rate adjustments were producing significant average weekly earnings

movement outside of percentage or flat amounts granted in State or National Wage Case decision.

5 The movements that are there, the updates clearly - without going into a lot more detail are difficult to identify particular movements, other than where the same job is identifiable.

10 I suppose the range of responses, and particularly looking at ASU.8 with St. Vincent de Paul, they were a service that provided for the type of penalty rates and loadings that we now have in the award and managed to afford that on the basis of a relatively low hourly rate of pay, that that hourly rate of pay was set in accordance with WAVA and the rate of pay for those positions moved in accordance with the minimum rate adjustments in WAVA.

So that particular increase there in the shelter workers update in the second page of ASU.8 in fact reflects movement in the Welfare and Voluntary Agencies Award via the minimum rates process.

15 Other examples - looking to the end of ASU.8, the Tasmania Aids Council executive officer position was a newly advertised position and it was advertised and filled within that range.

COMMISSIONER GOZZI: Where is that one, in ASU.8?

MR PATERSON: It's the final page and the final notation on the final page of ASU.8.

20 COMMISSIONER GOZZI: Got it. Yes.

MR PATERSON: The Aids Council previously had a general manager and the executive officer was appointed to the Aids Council and holds that position with a package within that range.

COMMISSIONER GOZZI: So these relativities are based on what, did you say 417 -

25 MR PATERSON: The relativities in all of these documents were drawn up on the basis of 417.20, and rather than represent and retabulate at 425 which is now our agreed position I have tabled the documents as they were done at the time.

COMMISSIONER GOZZI: So that's before the \$8.0.0 safety net?

30 MR PATERSON: So that's before the \$8.00 safety net, any my understanding at this point in time is that the unions and the employers agreed on a \$425.20. a 100% rate in the award, as proposed.

With respect -

35 MR WATSON: Sorry to interrupt, commissioner, just in relation to that particular point I might - rather than sit here and let that go - I might just need to check that because I'm not sure in my own mind whether that as in fact agreed.

So if I could undertake to come back to you on that point straight after the luncheon adjournment?

COMMISSIONER GOZZI: All right.

MR WATSON: Thank you.

COMMISSIONER GOZZI: So I will just put a question mark at 425.20 agreed between the parties as 100%.

5 MR WATSON: Yes. The only reason I say that is because my understanding is that the relativities are based around 417.20 because the \$8.00 increase was a flat increase that is applied after you have the relativity determined.

COMMISSIONER GOZZI: All right.

10 MR PATERSON: I don't believe that there is any other particular issues or points that I wish to draw out of this, other than to say that I think the classification structure that I refer to I will return to in more detail later on, and the supporting arguments for the appropriate rates and relativities bears a relationship to a number of the positions and relativities and rates. But, given that it is award free, and as I said before, an award free area where there hasn't been any overriding industry-wide pressure for conformity or uniformity in wages, the disparity and the disparate nature of the rates and conditions is to be expected. Drawing attention back again to the survey information going back to that evidence presented earlier, I think that showed quite clearly there are some positions that appear to be comparable and were vastly different in terms of rates of pay.

20 Perhaps to my mind one of the outstanding disparities is between that position I just mentioned of the executive officer of the Aids Council and the Director of Rheumatism and Arthritis Foundation Tasmania, which in the survey and inspections showed up at something I believe from memory at around \$12 or \$13 an hour as against the Aids Council position which was well in excess of that.

25 The purpose in ASU.8, apart from providing a reference point which allows at least some notice to be taken of the way positions are advertised and structured, and while clearly not as definitive as any duty statement certainly outlines some of the commonalities and characteristics of positions that this award would seek to cover.

30 Two of the positions within the first three pages are in fact not within this industry. There is a commonwealth public service position of a social worker on the second sheet and a community and health services Tasmanian public service social worker - two positions advertised on the third sheet.

I will draw out principles from that when I return to the matter of appropriate rates and classification structure later in these proceedings.

There are, of course, some positions that have been advertised twice within these - or even more than twice within these proceedings.

35 There is a position on the fourth sheet of Disability Advocate employed by the Launceston Community Legal Service -

COMMISSIONER GOZZI: What's the position?

MR PATERSON: The position is titled a disability discrimination advocate -

COMMISSIONER GOZZI: Right.

40 MR PATERSON: - with an advertised annual salary of \$31,500, and the second-last page the disability advocate position is also there advertised some 9/10 months earlier with sort of essentially the same salary. So that's a position that has had no movement. That is advertised at 31,504.

Again Centre Care's social worker is presented twice. A social worker position with Centre Care was advertised in March of this year and was also advertised going back to the second-last page of senior social worker, advertised in November of last year.

5 The salary in those cases is not specified in the ad. and is in accordance with qualifications and experience.

The union doesn't seek to rely on those rates to establish its - to justify its position and to establish new rates in the - or the proposed rates in the award, but merely to provide some evidence that goes towards the prima facie principles.

10 If I can turn briefly whilst presenting this type of evidence to the Community Services and Health Industry - Community Services and Health Industry Training Board industry profile - a document that I'll provide as evidence in these proceedings. This document has only just been made available and in fact is being launched later this week at the AGM of the ITB.

COMMISSIONER GOZZI: ASU.10.

15 MR PATERSON: This industry profile seeks to establish the character of community services; the contents page clearly shows how the was presented by the Industry Training Board. The document herein includes in particular the summary and sections 3 and 4 of the industry profile.

20 I think the important - some of the important features to be drawn out are the skills required and the trends in the industry. One of the difficulties however in presenting this information is the disaggregation of public and private sector. In social and community services and child care which for the purposes of this statistical collecting exercise are very difficult to disaggregate, it is estimated on page 2 of the summary that around 66% of employees in social and community services and child care
25 services are in the private sector. That would certainly confirm my understanding of the industry.

COMMISSIONER GOZZI: Well just before you go - I've just got to pick out this information - page 2 of the summary - now whereabouts on page 2.

MR PATERSON: On page 2 of the summary in the fourth paragraph -

30 COMMISSIONER GOZZI: Right - what does it say?

MR PATERSON: - and the - the last sentence of the fourth paragraph, it says:

Of workers in social and community support and child care services, 66% are employed in the private sector.

COMMISSIONER GOZZI: Right, now what are you saying about that?

35 MR PATERSON: Well that's to be borne in mind in some of the later information where particularly in terms of occupations and services and a growth of the industry the - there is no disaggregation of private and public sector. The statistical information is not available which allows the differentiation between public and private sector
40 when we look further at other information in the tables presented later in this document. And in fact there is only - there is only, I think, one place in which it has been possible to separate that out.

COMMISSIONER GOZZI: Is community support - can you interchange that with community services? I mean are we talking about apples with apples?

MR PATERSON: Not strictly speaking -

COMMISSIONER GOZZI: Oh.

MR PATERSON: - because there are overlaps within this framework that don't strictly speaking apply to this industry - to the - to the scope of the Community Services Award and again -

COMMISSIONER GOZZI: Yes, so what do we draw from this then? I mean what's the document intended to do?

MR PATERSON: The tabling of the document is intended to do a number of things, first and most importantly to identify from ABS some of the broad trends that are occurring within the industry.

COMMISSIONER GOZZI: Mm.

MR PATERSON: Section 3 page 5 shows demonstrable growth in the industry classes in community services and health which include but also include others, include this industry.

COMMISSIONER GOZZI: Whereabouts -

MR PATERSON: In particular, looking at table 4 - see - note the phenomenal growth of welfare and charitable services and welfare and religious institutions undefined.

COMMISSIONER GOZZI: Where does it say all that?

MR PATERSON: I draw your attention -

COMMISSIONER GOZZI: I'm looking at table 4.

MR PATERSON: I draw your attention to the lower part of the table which refers to SACSS/Child Care - the third line of that lower part - welfare, religious institutions undefined - admittedly of a very low base - a growth of 430%; welfare and charitable homes - a growth of 67%; welfare and charitable services not elsewhere classified - a growth of 240% and community organisations not elsewhere classified - a growth of 215%.

COMMISSIONER GOZZI: Now are you saying, Mr Paterson, that these come within the scope of the Community Services Award?

MR PATERSON: A considerable proportion of them would, and as I said, it is difficult to disaggregate those according to public and private sector from the Australian Bureau of Statistics information. It's also difficult to - it's impossible to disaggregate disability services which may come under the Welfare and Voluntary Agencies Award from the coverage under this award. But this is the best statistical information available on this industry, and as I concede quite freely it is not specifically and is not possible within the statistical basis of collection of this type of information to identify according to the industrial coverage that we're talking about here.

Largely I provide this -

COMMISSIONER GOZZI: I'm just wondering if any of those fall under the community services award.

MR PATERSON: I would argue from my knowledge and experience in fact that all of this award would fall under those categories but that others would also fall under those categories.

COMMISSIONER GOZZI: Yes, I mean -

5 MR PATERSON: Community services generally are the sort of services that we will be - are covered by this award, would fall within one of the welfare and charitable services or homes classifications under the Australian Standards Industry classification as used by ABS.

10 COMMISSIONER GOZZI: Mm. I mean I think, you know, section 3 page 1 gives you an indication of just what ABS is saying about the data they've provided in the third paragraph down.

MR PATERSON: That's certainly true but it is the best - it's the best hard information we have on - on occupations and services that fall within this industry.

15 COMMISSIONER GOZZI: You see you've got child care workers included with refuge and related workers, and welfare centres are included with religious institutions. Many of the services are included under categories such as health undefined or community organisations not elsewhere classified. So I suppose what you're saying about all this is it's some sort of a guide is it?

20 MR PATERSON: It's presented as the best available information that covers the industries and services that we're talking about here with those reservations that it is difficult in most cases to disaggregate public from private sector and that there are both occupational and service boundaries that are blurred but, if we further look - and I don't believe it's necessary or appropriate to do that here and now - but if we were to further take it apart then we would find, I believe, that most of the industry that we're
25 talking about falls within the scope of what is herein called social and community services.

COMMISSIONER GOZZI: Well they don't call it social and community services, they call it social and community support.

MR PATERSON: Social and community support services.

30 COMMISSIONER GOZZI: Yes. And I mean figure 2 in respect of what you've taken me to - that figure 2 -

MR PATERSON:....Part 2.

35 COMMISSIONER GOZZI: Well, figure 2, if you go to section 3, page 4, where it talks about industry growth. Where it says, 'Community services and health industry have expanded enormously over the past decade. The largest growth area has been observed in the non-institutional service area such as community medical health centres and Tasmania - '. I am not sure where figure 2 below is.

MR PATERSON: Figure I believe is chart 2 on page 5.

40 COMMISSIONER GOZZI: 'Shows that in Tasmania the social community support and child care sectors have increased substantially'.

MR PATERSON: Clearly that 125% increase is inclusive of growth and in child care as well as social and community support services.

MR WATSON: Excuse me, commissioner, to interrupt, I believe that we have the next witness in the courtroom, so I would ask that he in fact leave the courtroom until he is about to give his evidence.

5 COMMISSIONER GOZZI: What is your view, you are always taken at your word without me having to do anything, Mr Watson.

MR PATERSON: I have no problem with that.

If I can be brief, just to conclude on, and I do table this as a background document.

10 The two further tables that I would like to draw attention to in particular, and again there are limitations on this information, but Table 11, section 3, page 18, it is not possible to get this sort of information at the level of Tasmania. This is Australia-wide information presented here in terms of the growth of occupations '86 to '91.

15 I believe that the situation in Tasmania is not significantly different, and draw in particular attention to the growth of councillors under 'Professionals' in the second-last line of 56%. Under 'Welfare Para-Professionals' and increase of 50% and child care refuge and related workers and increase of 68%.

On page 20 of section 3 there is a disaggregation according to sector - federal, state, local and private - which presents a figure of something of the order of 2,660 employees in social and community support services and child care.

20 It must be said, as I mentioned before, that that 2,500 plus would include - and clearly doesn't include pre-schools and special schools - would include child care and probably most disability services.

I think probably the more important section of this report is section 4, particularly given the limitations on the application of statistical information to this industry.

25 The major factors affecting the industry as a whole, and I think these go towards being indicators towards the nature and conditions of the work, and the nature of the work and the conditions under which it is performed, particularly the comments under 4.4 through to 4.10 are issues that relate to the nature of work done in this industry.

30 Again that is presented as a background document with the intent of providing some guide - with all its limitations acknowledged - to the nature and character of the industry that we are regulating.

If the commission pleases, I propose to have Mr Duncombe come in and proceed to give some evidence to this commission

COMMISSIONER GOZZI: Yes, thank you. We will do that. It doesn't paint a very flattering picture about the state of health of Tasmania's population.

35 MR PATERSON: I guess they are comments that have been well-reported in many settings.

COMMISSIONER GOZZI: They have, that's right, yes.

40 MR PATERSON: And I guess that in itself indicates that it is one of the boundary areas, I suppose, between health services and community support services, is one of the issues that is pertinent to these proceedings.

COMMISSIONER GOZZI: I mean, we all talk about Tasmania's idyllic lifestyle and here they say, 'The high adult death rate is related to lifestyle and social and environmental factors' - maybe it is too idyllic.

PAUL DUNCOMBE, sworn:

5 MR PATERSON: As you are aware, Mr Duncombe, and maybe for the record if we could get you to spell your name? I wasn't sure of your correct spelling?... Okay. Yes, my surname is spelled D-u-n-c-o-m-b-e.

And your position, Mr Duncombe?... I am the executive director at Family Planning Tasmania.

10 Can you give us some idea of what functions and responsibilities you exercise in that position?... I oversee two service delivery aspects of the organisation. One is our education and training team which delivers education services to community groups and to schools. That team also trains - runs training courses for people. Those people being in the main part doctors, nurses, teachers, community workers. The other team
15 I over see is our clinic team which consists of doctors, nurses and receptionists who run a counselling and sexual and reproductive health service.

When you say a clinical team in the education service essentially, am I correct in reading that into what you say, you draw a clear distinction between those. Is there any overlap in terms of staff and cross over between one service to the other?... There
20 is some overlap. Some staff work in both teams. For example some of our nurses do some community education work, and some of our community educators do some relief reception work.

When they perform those tasks they are separate tasks or do you keep the boundaries separate, I suppose is the question I ask?... Yes, we do, yes.

25 What sort of qualifications or experience do you look for in your education and training staff?... Those people would need to be as skilled as teachers and they would need to have some special training on top of that to work in the area that they work in, and that's the area of sexual and reproductive health. So that we would be looking for somebody who had probably a degree or nursing qualifications and the special training
30 on top of that which would skill them up in both the content and the way of delivering sexual and reproductive health education.

And I take it from that the qualifications would in fact be a prerequisite for those positions?... Yes.

35 What about others positions? Is that true across the whole organisation?... Everybody who works for us has done some extra training of some sort provided by us, and that is the nurses and the doctors on top of the qualifications that one would find in nurses and doctors working elsewhere. They would have received some special training and family planning methods on top of that. Reception staff, we don't require them to have any formal prerequisite qualifications, but they, too, undergo some in-service training
40 by us to enable them to work better in that area.

In terms of what you understand by the coverage of the Tasmanian private sector clerical and administrative award and the coverage of this award, where would you see your receptionist staff belonging?... I would see them fitting more in with this award. If I can explain that? When somebody rings up for a clinical appointment the first
45 person they get is our receptionist. That receptionist needs to do a preliminary assessment of that person to see who they need to see, and to find out whether they should be talking to a counsellor; whether they should be talking to a nurse, or a doctor or indeed whether the issue that they are raising is something for our service or

whether it's something for somewhere else, so they might be referring them onto somewhere else if it wasn't something that was appropriate for us. So they're doing some assessments in that regard, so I would see them fitting more under this award.

5 With the referral that you're talking about there, they in fact could be making an external referral, what discretion or initiatives do they exercise in that process?... They
- I guess it's difficult to generalise. They are fairly clear on the range of services that we deliver and if, as a result of their discussion with the caller it was clear that it was something that we couldn't help them with - let's say, it was sore toes - we would probably be - our receptionist would probably then be saying something like: well you
10 could see a GP, you could see a community health centre, you could see a public hospital, that sort of assessment. It wouldn't go much further than that.

Family Planning operates out of more than one centre in Tasmania. Can you outline what centres you work from and any difference between the centres?... Okay. From
15 our Hobart and our Launceston centres we operate a clinic and an education team. Our clinic is open 9.00 to 5.00, 5 days a week in both centres with some evening clinics. So they are fairly extensive services. The centres on the north west coast are less extensive; in Devonport we operate both a clinic and an education team, although our clinic presence is much limited, and in Devonport we only run a clinic service and it's only open 2 hours a week.

20 Across the state, what's your - of the staffing excluding the clinical on the grounds that they are health workers - what's the total staffing that you, as the head of the organisation, are responsible for that would be covered by this award?... We have three educators on the north west coast; one educator in Launceston and three educators in Hobart; and myself. Receptionists would number about six across the
25 state - they're not all full time - and we have an educational assistant and a clerical assistant.

And on the clinical side of things - you are also - maybe if I step back one step - what is your responsibility in terms of those clinical staff and supervisory or directive?...
30 Okay. We have a clinic manager who is a nurse practitioner - a trained nurse practitioner; she is responsible to me, but she oversees the clinic team. That team consists of approximately eight nursing staff.

That's state wide or in Hobart?... State wide. And doctors we employ on a sessional basis and we would have five in Hobart, four in Launceston, two in Devonport, and one in Burnie; - 5, 9, 11, 12.

35 And in terms of the role that you perform within the organisation, what are your major functions?... I oversee the whole organisation as executive director, but I have managers of the education team and the clinic team. I have direct involvement in the delivery of the administrative services of the organisation - that's paying the bills, ordering the goods, running the accounts, paying the people - and I work in the sort of
40 policy development area of the organisation and the links with the national - the national links that Family Planning has through our umbrella organisation, Family Planning Australia.

If we were to look at those - the training that goes on that you mentioned - to provide the in-service, if you like, training, what forms the basis of that; where's that drawn
45 from in terms of the training resources and curriculum, if you like?... That's finding what we need to be doing the training on. Is that - ?

Well I suppose what I'm asking is where do you get that training resource from. Is it developed by Family Planning or is it somebody else's or - ?... Okay. Right. I guess if I could I could draw a distinction between the training courses that we run for our staff

which I call in-service courses and training courses that we run for others for outside enrolments. Do you want me to deal with both?

5 I'm, at this stage, looking at the question of in-service training and what level of skill and responsibility that would tend to indicate?... Okay. The in-service needs are identified as part of a staff appraisal system each year and we develop our own courses around those topics. If I can give an example of the latest in-service course that we did. We were trying to get a better understanding from all our clinical staff of the need to put trainees into our clinics. Our clinic staff were seeing the trainees - these people from outside the organisation - as a bit of an imposition really. They took up the time in the clinics and they slowed the clinics down and that sort of thing so we identified the need for some in-service training on that to explain the training needs to the clinic staff and we found an outside facilitator for some of that course and we used our own staff for the rest of that course and quite often that is the case. We do a mix of both, our own staff and outside.

15 Can you estimate sort of what range of skill levels, if any that you - any reference points you can tie that to in terms of your in-service training delivery?... Flexibility is the thing that comes to mind. I mean, we just need to address the issues as they arise. We're very fortunate in some of our people have worked for us for a long while and have a very broad range of skills which we are able to choose from. We also have been working on a system of skilling up individuals in particular areas so that one person has a particular skill in working with people with intellectual disabilities; another person has a particular skill in another area and so it goes on, so we draw on that expertise as much as possible too.

25 And looking at your education and training staff you is that same comment in terms of specialisation apply there?... Yes, it does. Again we have trainers of carers of people with intellectual disabilities; we have other people skilled in men's health, adolescent health, so sort of areas, so, yes.

30 What sort of - maybe I could get you to take us through the duties or the job description of one of those educator trainers or through the range of responsibilities that they'd exercise in a sort of ordinary work week, if you like?... Okay. Yes, I guess the most notable thing is the breadth of the audiences they're dealing with. They could be dealing with, for example, a primary school program this morning and a group of menopausal women this evening and the range of skills for that is quite diverse and they are the same people because it's such a small team. We - they also talk to parents; when we're about to run a school program, they run a parent evening to explain to the parents what will be involved in the school program so the different set of skills there. We're also running programs for parents, helping them talk to their children about sexuality, teacher training; the same people are training teachers to teach in schools so it's quite a broad range of audience.

40 If we take on of those educators performing those sort of functions, to what extent are they responsible for developing and implementing or is it an off the shelf approach?... Most of our courses are developed within the organisation, the ones that we run. That is developed by the entire education team. They have statewide meetings where they work up the programs and they indeed modify them from time to time as we see the need to do that. So they're mostly developed in house. There are a few national programs available to us which we take and modify if we need to put bits onto it, take bits off it.

50 So any one of your education training staff could be involved in that process of adaption and modification?... Yes, the usual process is that they're all involved in it as a team effort, yes.

And if we look at the way you've - as an organisation, family planning, has described those positions and determined the rates of pay, what have you used as guidelines for that process in the absence of an award?... We have linked those staff which aren't under the nurses and doctors award - we have linked them to the Australian Public Service salary levels and used the definitions that the Australian Public Service Award uses to find which rung they sit on.

So what are the key principles or features that you'd use to identify the position that somebody was at?... There are descriptors in the APS Award which we have used and we recruited some outside expertise in the first instance to help us with that. And that was somebody who happened to be a friend of mine that knew his way around that award quite well. So we used his expertise at that time to find who fitted on to what rung of the organisation.

The other question I wanted to ask you about was in terms of the mobility of your staff, the staff turnover and where you recruit from. Can you give the commission some indication of where you recruit your staff from and if you're aware where they progress to if they happen to leave family planning?... We recruit by open advertisement always. That's our policy to advertise all positions. The usual situation for educators is that we are looking at people who have been teachers, although we have got some people who have been nurses as well. So that would be the major fields that they've come from. Some have come from the business sector where they've been in training in the business sector - in service training, that sort of thing. Where they go to, they seem to mostly go to home duties when they leave us.

I wanted to ask one further question, and I think I can probably leave it at that. In terms of your own position, what sort of responsibility do you have vis-a-vis the committee of management, in particular the exercise of management functions, if you like, such as hiring and firing or dealing with grievance or disciplinary matters?... Yes, that I have got the hiring and firing responsibility delegated to me by our council. Indeed I think it's - yes, it is, it's in our constitution that I have that hiring and firing. So I guess the council looked to me to be the day-to-day manager of the organisation. Council's role is to develop policy and that's done in association with me and two other senior managers and the council meets every 2 months and we monitor that process.

Is there anything else that you can offer as a comment on the skill and responsibility of those people you have working under you?... Only to say that they are - I consider myself very fortunate to have a very highly skilled team of people working for me and we've been very fortunate to be able to maintain that as people leave and more people come on board. I think we are reaping the benefit of a fairly intensive in service training program and we're fairly rigorous in that, and I think we reap the benefits of that.

I suppose I will - I have one more question to put to you and that is, are there any trends that you can identify that are likely to affect the level of skill, responsibility or the demands that you will be making of employees, or your organisation will be make of employees?... Yes, I think that the strategic plan that we've got developed will see us moving more towards the training of professionals and the expectation that they will be doing the service delivery of our education services. So that while at the moment our people are teaching in schools quite a bit, I see in the future that they will be doing less of that and they will be training more teachers who will in turn be doing that - the teaching in the schools. And likewise in our clinic area I think that we will not be expanding our clinic services to any great extent, and that's about funding as much as anything. But we will be training more and more doctors and nurses to be more skilled up in that area.

Thank you, Mr Duncombe. No further questions of Mr Duncombe at this stage.

COMMISSIONER GOZZI: Yes, thank you, Mr Paterson. Mr Kleyn?

MR KLEYN: No, I'm right, thanks.

COMMISSIONER GOZZI: Mr Watson?

5 MR WATSON: Commissioner, we did have some discussions with HSUA and HACSU in relation to procedure with witnesses, and we have agreed that we will have an adjournment at the end of the witness-in-chief evidence and then come back with cross examination and that would be a reciprocal right when we lead witness evidence.

COMMISSIONER GOZZI: I'm pleased you've all agreed it.

MR WATSON: I beg your pardon?

10 COMMISSIONER GOZZI: I said I'm pleased you've all agreed it.

MR WATSON: Well what I'm about to say to you is that -

COMMISSIONER GOZZI: I mean, I don't see that we need to adjourn for cross examination.

MR WATSON: Well we would request that that be the case, commissioner -

15 COMMISSIONER GOZZI: I mean, I don't want to stop every time the witness is in the witness box and go on from there. I mean, what's the problem with going ahead with cross examinations; the evidence was quite straightforward?

20 MR WATSON: Yes. The reason for the adjournment is to seek clarification on some of the points that have been made. Now I do draw the distinction that this practice has been adopted in relation to the WAVA case.

COMMISSIONER GOZZI: Well the WAVA case is the WAVA case. It's not a practice I adopt, Mr Watson, quite honestly. I mean, I don't see any need to start adjourning - I mean, the case is run to their logical conclusion and this is part and parcel of what advocates do. - get to their feet and ask questions.

25 MR WATSON: Mm.

30 COMMISSIONER GOZZI: And I mean, what's - I mean, how many witnesses do you propose this to happen with? I mean, you know, it's like the case of running off and checking the books and seeing - you know, and then coming back and having another go. I mean, as far as I'm concerned these processes should run through. The witness should then be able to stand down and get on with whatever he or she wants to do.

MR WATSON: Okay, commissioner, we've heard what you have to say. I think we can proceed on that basis. If that's the ground rules then I guess we'll just have to live with it.

35 COMMISSIONER GOZZI: Well look, Mr Watson, I don't see anything in what Mr Duncombe said that should cause anybody any problems. I mean, it's fairly straightforward evidence. If there is a particular issue that you wanted to particularly verify, well then you can ask the witness or whatever. But if you want time to prepare some brief questions, well then I suggest you do that before the witness comes along.

MR WATSON: Okay, we'll proceed on that basis, commissioner.

40 COMMISSIONER GOZZI: Right, thank you.

MR WATSON: Mr Duncombe, you said, as I recall, that there are four - you have four centres in relation to your service?... Yes.

Are there any other statewide family planning services in the state?... No, no.

5 You've been through the major role of your organisation. Can you just tell us, please, who your major client groups are?... Yes, in our clinics our major client group would be young people seeking their first ever contraception. That sometimes involves some pregnancy counselling before we start the contraception, unfortunately. Okay. Are there any others?... In our education services we have seen school students as a prime focus of our work, and as I mentioned, we will probably be moving to a situation where we see teachers as more the prime focus than the students in the future.

10 Right. Okay. So, do you know approximately how many clients you would see per year?... Yes. We have over 10,000 clinic visits per year. That may well be one person coming back for a second visit, but there are over 10,000 visits.

Right. So that includes all of your centres, that's 10,000 in total?... Yes. Yes.

15 Okay. Are you of the opinion that your service meets the needs placed on it by the community?... I guess it would be a brave CEO of any community based organisation that it met all the needs and that's about funding as much as anything else. We know for example, that we turned away 1,500 clinic clients last year because we couldn't see them in the time that they wanted to be seen. We also know that some of our - the people who would like to take on our education services can't do so because we have to charge for them, so, yes, I have to qualify that in that regard.

20 So, what are your sources of funding?... We get Commonwealth Government funding which is mainly to fund us to run a free clinical service and that's of the order of \$700,000 a year. We get State Government funding of \$30,000 a year. We have to raise our own funds by way of clinic sales and education services. That's of the order of probably - I'm only guessing - it's probably of the order of \$300,000 that we raise ourselves and we get project funding to run specific projects and we have to apply for those along with everybody else and we get what we can from those.

Do you receive any money from running training courses?... Yes, we do.

30 Okay. So, just in relation to the services that you charge for, can you just - other than your training - can you just run through those specifically, please?... Yes. Okay. All our training courses have an enrolment fee on them and all our education services are on a cost recovery basis too, so that if we're working in a school, that school pays for our services. So that our clinic services are fully funded by the government; our education services are not funded by the government at all.

35 So, what amount do you receive from the government and, like, as a percentage of your total income and charge out - so as a package, the total income for the association and what percentage of that is government funding?... I would estimate that it's probably 75 per cent government funding and 25 per cent our own.

40 COMMISSIONER GOZZI: But it's a higher level than that, Mr Duncombe, in the overall sense, isn't it. I mean, you indicated \$300,000 is raised by your organisation?... Yes. Look, I'm sorry I don't have all that detail in front of me and I am trying to get it from my head. I can supply you with a copy of our annual report which would clarify that.

45 Well if Mr Watson wants, that might be desirable?... I'm happy to do that.

MR WATSON: Yes. Okay. Just in relation to the - we talked about the total income that you receive through funding and charge outs and going back to the question of meeting the needs of the community, do you think - well, your income and your money that you receive from charge outs, do you think that that's adequate to meet the needs placed upon your service by the community?... Again I would have to say no because the charges that we make are, of themselves, a detriment to some of our educational clients and while we could say, yes, we need more money, let's lift our prices, that sends away more people, so we have to tread that line, yes.

Okay. So what do you think the shortfall is then?... Well we've quantified the shortfall in our clients in that we turned away 1,500 last year. Our educators estimate that they would be turning away two education clients per week who ring up, find out what our services cost, and then say, 'Thanks, but no thanks'.

Yes. Okay. So, you do - how do you propose to address that particular problem?... The - our commonwealth funding body is at the moment - as a response to a request from us - undertaking a review of family planning throughout Australia and we hope that some of these issues will be addressed during that review.

So, on the basis that - I suppose it's reasonable to assume that some more funding or some more money from some source would address the problem in a major way. Is that a fair assessment?... That's a fair assessment and I guess it's also worth saying that we - by going into the training of others, we're trying to get those needs met by others rather than just addressing them ourselves.

So do you think that other than, say, more government funding or more money from charge outs that there's any other alternative to receiving more money?... No, that's -

So that would cover it?... - that's it, for the money, yes.

Okay. Well just in relation to the charge outs, do you think that Family Planning's capacity to charge for services is typical of the, say, 180 to 200 community providers in the state?...I wouldn't presume to speak for other service providers. I'm - yes - I mean, I guess it's worth saying that the areas where we are charging out - I mean, we are delivering, for a large proportion of it, professional training programs to employ other employer groups, so I think we're rather unique in that. We're running a training program in Launceston at the moment for a group of nurses who had been sponsored by their organisations to come to our training courses, so I think that's a bit of a capacity to pay issue, yes.

Okay. So, just in relation to the second source, that is, funding from the government, do you think that the government will be responsive to those sort of demands?... I'm hopeful that this review that we're about to go through will identify certain gaps and I am hopeful that we - yes, down the track we can do something about those gaps.

So, have you or have you not had an indication from the government that they will be prepared to come to the party?... No, we've had an indication that they will review us; that's all we've had.

A review?... Yes.

Yes. Okay. Now, just in relation to the amount of staff that you - or the numbers of staff that you have employed. How many do you employ in total in Family Planning?... I have to qualify that at the outset because we use a lot of casual staff, so at the 30th of June we had 48 on the payroll.

Right. Okay. And out of those 48, how many in your view will be affected by the scope of the ASU classification proposal?... Approximately 16 to 20.

Okay. So, have you costed the ASU's proposal for your organisation?... No, I haven't. Okay. So - do you have any comments on the impact of that proposal in relation to your service?... This is the proposal that's -

5 That's the ASU's classification, yes?... the ASU's proposal. No, I haven't got any specific comments except to say that the rates in there are probably - cover the same band of pay rates that we're using at the moment.

10 Okay. Do you think that the impact of the ASU proposal is greater or lesser for Family Planning than the other organisations within the sector?... Again, I don't have too much knowledge of other organisations within the sector. I think that the fact that we are on APS rates and that's in part to do with our national linkages is probably - is probably going to have less of an impact on us. It doesn't seem to be a big step across from these proposals from where we are at the moment.

15 Right. Yes. Okay. So, in your view, do you think you are in a better position than some organisations in that you're able to charge out for services rather than be totally funded by the government?... Oh, yes, I would have to concede that that's an advantage. I would have to concede that that's an advantage. I would also have to say that that's where we put ourselves in the market place too, yes.

20 Yes. Okay. Just in relation to the comments that you made about your education trainer positions where they might deal with a diverse range of situations in a particular day. You said that they might deal with primary school children and then went and talked to parents, et cetera. Now based on the fact that we're talking about here about people with - did you say degree qualifications would be required for those positions?... Yes, for those positions, yes.

25 Do you think that's any different to, say, a nurse who is qualified or a doctor who is qualified who would deal with a broad range of cases in a particular day?... No, indeed our nursing and doctoring staff do just that as well.

That's all, commissioner, thank you.

30 COMMISSIONER GOZZI: Yes. Thank you, Mr Watson. Before I - before you re-examine. Mr Duncombe, you've obviously seen the ASU proposal, the career structure and classification structure, where you think, in respect to that structure, the qualification should cut in. I think the structure proposes a level 3 cut in for qualifications?... Right.

How does that fit with your organisation in the context of - you've got the classification there I think?... Yes, I have.

35 And the classification standard - I think it is level 3?...Yes.

COMMISSIONER GOZZI: Is it level 3?

MR PATERSON: If I could just clarify it is at level 3, but the degree of qualification comes into play.

40 COMMISSIONER GOZZI: Yes, level 3. Now, can you just look at the classification standard for level 3, there's a descriptor there for level 3?... Yes.

MR PATERSON: It might be appropriate, Mr Commissioner, at this time that I do provide that if that's going to be a point of reference for the questioning of witnesses I will put that on the table at the moment.

COMMISSIONER GOZZI: Yes, I think if you've got that as an exhibit we'll mark that ASU - I thought Mr Duncombe had it there?... Yes, I -

Well we'll just hand it out so we're all talking off the same document. Exhibit ASU.11 it will be.

5 MR PATERSON: Just for the record, if I may, commissioner, this document is identifiable from earlier documents by virtue apart from obviously now the exhibit number, but it's the only document we've prepared that's been paginated - that has page numbers on it.

10 COMMISSIONER GOZZI: Very good. We'll go to page 8, Mr Duncombe - page numbers is at the bottom of the document - and see Community Services Worker Class 1, and keep on going and you get to page 10, is Class 2, and on page 12 you've got Class 3?... Okay. Right.

Now could you just have a look at the characteristics of this level and it says:

15 *General features of this level involves solving problems of limited difficulty using knowledge, judgment and work organisational skills. Assistance is available from higher classified employees. Employees may receive instruction on the broader aspects of the work. In addition, employees may provide assistance to lower classified employees.*

20 *Positions at this level allow employees the substantial scope for exercising initiative and discretion in the application of established work procedures.*

25 *At this level employees may be required to supervise a limited number of lower classified employees within a single program in their day to day work. Employees with supervisory responsibilities may undertake some complex operational work and may undertake planning and coordination of activities within a clearly defined area of the organisation. Employees will be responsible for managing and planning their own work, and exercise autonomy in the selection of tasks, methods and procedures.*

Now, it's proposed that the qualifications - the qualifications cut in at this point?... Right.

30 And what I'm asking you is, how does that sort of characteristic - or those characteristics how does that line up with your views about where qualifications ought to apply?... That -

35 Have you given it any thought?... I've given it some thought, not to this document, but to earlier drafts that I've seen. I am - and in trying to assess whether that descriptor fits our educators that we've been talking about. It's my view that they're perhaps doing a bit more independent working environment than this. I don't know whether that helps or not. I'm not sure whether that's answered your question.

40 Well, yes, I'm trying to get a feel for it because we want to try and it right and I want to get a feel for it and I'm just wondering - in the context of the documents you've seen and you know you can take some time to have a look at this, where you feel it ought to be?... I would say our educators fit the description more of the Class 4 that's described here.

Right?... that would be my view.

The educators are qualified in what way?... The educators have degrees or nursing qualifications and they have undergone additional training by us.

Yes. Thank you, Mr Duncombe. Any further questions, Mr Watson, before I refer it back to Mr Paterson?

5 MR WATSON: No, thank you, commissioner.

COMMISSIONER GOZZI: All right. Mr Paterson?

MR PATERSON: I've just got two questions arising out of what you've already been asked. One - the questions of your organisation's capacity to fund what it believes or sees as a community need - leaving aside that particular issue, what impact, both in
10 terms of the nature - the conditions under which your staff work and the skills and responsibilities they are required to exercise, do you believe that financial framework has - or to phrase the question another way, what is the impact of that financial constraint on the employment and the way a person's job is seen and constructed and what's expected of them?... I guess we've not worked down to a budget in the past.
15 We've tried to assess on what descriptors we've had available to us, APS ones in particular, and we've done that because we believe it's a reasonable thing to do and also that we are conscious of the fact that we are a national organisation and that the Family Planning Organisations in other states have similar people in similar positions. There is some recruitment that goes on from organisation to organisation interstate,
20 not as much as we would like perhaps, but the - we need to be aware that we need to be setting our levels at approximately the same level right across the country. I'm not sure that that's answered your question.

What I was really, I suppose, asking is, are there stresses inherent in the work that relate to that financial regime that you're forced to work under?... Indeed there are. We
25 are hearing - or I'm hearing often that educators are feeling uncomfortable about asking for the level of cost recovery that we have to ask for, for example and we've - that's been the subject of a lot of our in-servicing to talk around some of those issues. So, yes, it is an issue for them, and it is the stresses involved in having to cost recover.

And does that mean there is a certain sort of person, if you like, who is able to work well under that regime? Is there a skill involved in working under that regime that
30 may be different elsewhere?...

COMMISSIONER GOZZI: Mr Paterson, I am going to let you ask that question, but you are in re-examination. I am not quite sure how all that fits into the question that Mr Watson or the question I asked in how all that fits. But you are in re-examination,
35 so you can't start a new a new round of questions.

MR PATERSON:....That question arises from the questions that Mr Watson was asking about the funding regime and the extent to which it constrains the service.

COMMISSIONER GOZZI: Yes, I knew that was what you were driving at, but -

MR PATERSON: The parallel is the extent to which it constrains the individuals.

40 But we will leave it at that. I think you have answered that question sufficiently. The other question, and I - you answered where your other staff would be situated in the award. Where do you see yourself situated - if it is not requiring any modesty that is beyond the -

COMMISSIONER GOZZI: Well, there's a nice ambit claim for you, Mr Duncombe, I
45 would go to the top if I were you?... I wasn't aware I was going to be given this opportunity.

It's not often you get asked that sort of opportunity. You might as well go for it?...

5 MR PATERSON:....I'm not asking in terms of what money you think you are worth, but what skills and functions you perform; and I suppose to sharpen the question, and I will leave it up to you how you answer it, is there a classification in the award that you believe fits your job?... I'm familiar with the class descriptors that have been around before. I can't say I have read this set. I saw that they were the sort of descriptors that fitted my present job description.

10 COMMISSIONER GOZZI: But we are not sure whether it is this Class VII?... As I say, I haven't read this particular document, but I have read earlier versions of this. Yes, at a glance, yes, it doesn't look different from the ones that I saw earlier.

MR PATERSON: And I believe that a number of these matters I can return to in terms of rates and conditions later in the proceedings, given that they have already been presented in evidence, and I'll make primary submissions in terms of rates and relativities later tomorrow.

15 COMMISSIONER GOZZI: Oh, yes, you are certainly not restricted in any way there. Thank you, Mr Duncombe, you can stand down.

WITNESS WITHDRAWN

Now, you have got your second witness at 2.00 o'clock.

MR WATSON: That's correct, commissioner.

20 COMMISSIONER GOZZI: Well, we will try and make that a few minutes after 2.00, so we will adjourn until 2.00 o'clock.

LUNCHEON ADJOURNMENT

25 COMMISSIONER GOZZI: Mr Watson, are you going to update me on this \$417.20?

MR WATSON: Thanks, commissioner. The position in relation to the 100% rate is that from this side of the table our position is that the 100% rate should be \$417.20 and then you would add the \$8.00 on to that to come to a rate of \$425.20.

30 But in terms of establishing your relativities the 100% rate is 417.20 and then you add your percentages on to that and then you add the \$8.00 as a flat increase; because if you don't do that the figures at the top end are inflated and the figures at the bottom end dip out.

So your employees at the bottom end of the scale are disadvantaged, and your employees at the top end of the scale are advantaged.

35 It is not a lot of money, but it does make a difference, and you know, we also note that the commission has established the ground rules in terms of separating the relativities and the supplementary payments (a) and (b) and showing them separately in awards.

So, for the purpose of that particular point, that is the position that we intend to take as our submission unfolds.

40 COMMISSIONER GOZZI: All right. Thanks, Mr Watson.

MR WATSON: And showing them separately in awards. So, for the purposes of that particular point, that's the position that we intend to take as our submission unfolds.

COMMISSIONER GOZZI: All right. Thanks, Mr Watson. Well, that makes it clear to you, Mr Paterson, I am sure.

5 MR PATERSON:....I won't respond to that at this point in time. I will respond to that when I come to the question of rates and relativities.

If I can now -

COMMISSIONER GOZZI: Have you had your lunch, and everything is alright?

MR PATERSON:....I had a sore throat.

10 COMMISSIONER GOZZI: Oh, I see.

MR PATERSON: And if I want to be able to keep talking I do in fact need to have -

COMMISSIONER GOZZI: I was just wondering whether you were regurgitating or whether you - or whatever. That's all right.

MR PATERSON: I will try and keep it under control.

15 COMMISSIONER GOZZI: Could I have a pen.- this one has run dry. Thanks. All right, let's carry on then, Mr Paterson.

MR PATERSON: I'd like to call our next witness, Ms Liz. DeVries.

COMMISSIONER GOZZI: And she is from?

MR PATERSON: The Migrant Resource Centre.

20 COMMISSIONER GOZZI: The Migrant Resource Centre.

ELIZABETH MAREE DeVRIES, sworn:

MR PATERSON: If the commission pleases, I would like to take this witness through a similar exercise as with the previous witness -

COMMISSIONER GOZZI: Very well.

25 MR PATERSON: - which in the first instance, Ms DeVries, could you outline for the benefit of the commission the role that you play within the Migrant Resource Centre and the range of services that you are essentially responsible for? ... The Migrant Resource Centre provides a range of services across the board from newly arrived to aged migrants. We have 11 staff at the centre that cut across five different programs,
30 and my role in the Centre is to actually manage those programs on a day-to-day basis; to apply for funding, to apply for submissions, to lobby on behalf of the ethnic community, and to liaise with government and non-government departments.

The number of programs? What's the breadth and the nature of those particular
35 programs that the MRC runs? Can you just give us an outline of each of them?...Each of the programs? We have a home and community care program covering three staff for frail, aged and people with disabilities - migrants. A grant in aid program for newly arrived migrants - mainly refugees. A community development program cutting across all ethnic communities. An ethnic elderly program which is for people approaching retirement and looking towards future age care options. And the Phoenix Centre,

which is a counselling and support service for people who are survivors of torture and trauma.

And the Phoenix Centre now comes under your auspices and your direction?... Yes.

5 In terms of your own job what is the relative weights of your responsibilities in terms of the functions that you perform in respect of those people and those programs?...Well, I guess the majority of my position is management on a day-to-day basis of those programs, so that's anything from individual staff management to managing budgets, financial management and accountability to the funding bodies.

10 What about - maybe the way to approach this would be to look at a couple of those programs in detail. I have here as evidence a document that was made available in informal proceedings, which is the Migrant Resource Centre Southern Tasmania incorporated salary level for all staff. Do you have a copy of that document with you? Would you mind, Andrew, providing -

COMMISSIONER GOZZI: We'll mark that ASU.12.

15 MR PATERSON: If we could look at a number of these positions, perhaps the Community Development Officer position, both - well, the position identified here is a Community Development Officer - what does that entail in terms of the functions and the responsibilities for the person who is in that position?... That person is responsible for community development across a range of levels. One level is to actually work within ethnic communities to ensure that they have a range of options available to them in terms of employment and other access to regular services. So that worker actually works one to one with communities, so she does a lot of work with the Hmong community and the Chilean community, that sort of level. She also does a lot of community development work with mainstream services providers, so that is government departments and non-government agencies. So it might be someone like DEET or other small non-government agencies. So it is liaising, it is advocating on behalf of ethnic communities and individuals, and she also coordinates across cultural training programs, so training being one of the aspects of our organisation that we actually promote the needs of migrants through a training program.

20
25
30 Who are the recipients of that training? Is that again those departments?... Yes, and it is anything from police officers - we have done some training with the Supreme Court - with non-government agencies, community health services. So a range of organisations.

And who - that's cross-cultural awareness basically?... Yes.

35 Who was responsible for developing that material? Is that something that you acquired or something that you developed as an organisation yourself?...Well something that we developed, and the community officer has been responsible for actually coordinating and collating all that material., and some of the other workers in our organisation have actually undertaken the training as well. But the community development worker actually put all that together.

40
45 And, with respect to that position, do you provide any what we might call professional supervision to that person, or do they operate without any?... No, not to that particular position. Various positions in the organisation I do provide professional supervision but not with that particular position. And I guess the reason for that is that that particular worker she has a degree in psychology and is very competent. Has been working at the organisation for 5 years, so she is at a level where she doesn't require that any more. So I guess that we work across positions and see who needs it and who doesn't.

If we look at these positions here on this sheet, what of those positions would you provide supervision to?...The HAC project officer and advocacy worker; the grant in aid worker and the project officer for ethnic elderly.

5 COMMISSIONER GOZZI: So the HAC project - which are the other two?...The project officer, ethnic elderly and grant in aid worker.

MR PATERSON: With that one that is identified there as HAC project officer advocacy worker, is that two jobs or one job?... That is actually two positions.

So they are two separate positions, and for the purposes of this document they are just aligned to the same pegs, if you like?... Yes.

10 Can you explain the difference between those two positions? I mean, especially their -
?... Yes. Originally we had one full-time worker funding for that and we split the
functions of that position because we felt the functions were sufficiently separate that
it warranted that separation, and since then we have actually got further funding for
15 one of those - the project officer. The project officer undertakes individual case work,
information referral counselling, and she coordinates a social activities program. So
she works very much on a one-to-one basis with individual migrants and a on a group
basis. The advocacy worker advocates on behalf of individuals where they might be
having problems with a government department or other organisations and ensures
20 that they have equal access to services, and that advocacy worker also lobbies on
behalf of ethnic communities to ensure that they get adequate funding for various
programs.

How do those positions that you have just talked about differ from your grant in aid
position?... The HAC - the home and community carers for frail, aged and disabled -
25 the grant in aid worker is a program for newly arrived people. So that is basically
defined by the Commonwealth Government as people who have been here for 5 years
or less. And, by the very nature of its work, she works mainly with refugees. I guess
it's the highest need group.

To what extend does the funding guidelines determine the content and the shape of
the job functions and responsibilities?... Well, if you take the grant in aid worker, we
30 get a grant of 44,000 for that particular program and it is stipulated by the
Commonwealth Government that we pay 80% of that grant as a wage, and that's the
minimum level. So we can pay anything above and beyond that, and what we do with
the rest of the grant is our business. So, basically it is on costs as well as salary.

35 Do those funding guidelines for that position in particular determine how that job is
constructed - what sort of tasks and responsibilities - or is that basically at your
discretion as an organisation?... I find the commonwealth guidelines are quite broad,
and what it does stipulate is that it is a - from memory it is something like an
information support in counselling service to newly arrived migrants. So it is quite
40 broad. And what we do with that is our concern So it could be case work, it could be
group work, as long as it is some sort of support service.

The other aspect that is relevant to these proceedings is where qualifications align
within the classification structure that the commission is proposing to make. I have, I
believe -

45 COMMISSIONER GOZZI: I'm not sure I am proposing to make it. I think you are
proposing that I make it.

MR PATERSON: Let me rephrase that. That the union is seeking that the
commission make. One of the issues -

COMMISSIONER GOZZI: Mr Watson will start to worry if you keep saying things like that.

MR PATERSON: One of the issues that we are addressing both in terms of rates and the classification structure itself is where qualifications fit. To what extent in these positions that are identified here are qualification prerequisites or required of applicants - or successful applicants?... Okay. So all the professional positions in our organisation, that's apart from office manager, receptionist, and admin. assistant, have a requirement of a tertiary qualification in the human services field. Now because we are often working with migrants from a non English speaking background who don't have qualifications recognised here we do allow for overseas qualifications that haven't yet got recognition. So we will look at that. But a youth worker position -

That's a new position?... Yes.

Yes, I noticed that was advertised recently, and that's not on this sheet as it wasn't in existence at the time this was drawn up. Not the same position with respect to the youth worker?... Yes, but the youth worker because of the duties of that position were slightly different. We actually have advertised it and intend that that person doesn't necessarily have any sort of tertiary qualification, and for that reason we advertised that at approximately 29,800. So I guess the base line for someone with a tertiary qualification would be that 34015.

Where have you drawn those rates from?... These were drawn from the Commonwealth Public Service Administrative Services Office levels, but whereas the ASO levels sought of have discrete 1,2,3,4 we have actually cut across - say, for example, the project officer cuts across ASO 4 and 5, and we have aligned it to that.

And this information would suggest there is some form of increment within those classifications. How have you as an organisation approached that issue?... Okay, when a person enters a position they are put on a 6 month probation period. They usually come in at the lowest rate of that specified level unless they have got relevant qualifications and experience that are above what we require, so then we would put them at perhaps one above that. The increments there are annual increments and based on satisfactory performance appraisals on an annual basis.

How do you go about that, the performance appraisal?... The performance appraisal is undertaken by myself and it is basically an appraisal of work to date which includes I guess basic work - any work beyond what was required in the duty statement where a person has actually advanced skills beyond what was required. Training needs, training that needs to be undertaken as well training that was undertaken.

In respect to your own position, that's the one there identified as executive officer, those increments and performance appraisal would appear to apply there. Who does that?... That is undertaken by the chairperson of our management committee.

And what level on this structure are you at now?... The third level - 38575.

You also here identify three I guess are the office manager, receptionist and admin.assistant, how do you see those falling on the making of this award? Do you think those would be - do you situate those in the Community Service Award or in the Clerical and Administrative Services Award?... Well I definitely see these falling within the Community Services Award, because if anything those administrative assistants are program support people, so they do more than reception or typing. Their duties are actually quite broad and according to what programs we have running at the centre at the time.

And your office manager, is that person responsible for staff?... That person is responsible for the two admin. assistants and very soon a third one, and she also undertakes the bookkeeping for the centre.

5 The migrant women's health worker position is not ASO, clearly that is identified as aligned to a state public service award which my information and my annotation on this document indicates at the time that I received it it was \$31,504. How did that come about, that particular alignment?... That was a program that was funded for 12 months via the national women's health program but administered the State Government by Community and Health Services. Because that came through the State Government they actually preferred and we - well, no, I don't know if they actually stated, but because it came through the State Government at that stage we just decided to align it at Class XVI, and we are also moving over in some positions to the new award. So it was a bit of an anomaly because it was only a 12 month position.

You mean the new alignment to ASO levels?... Yes.

15 What did you previously align to before you moved over to aligning to the Commonwealth Public Service? The Welfare Workers Award. We changed to ASO levels, really.

20 COMMISSIONER GOZZI: Why didn't you find it satisfactory?... Well, I guess because I'd say that half of our funding comes through the Commonwealth Government and because of the way - well, I guess we actually saw our positions - well, I guess the Immigration Department have most of their workers - well, they have their workers at ASO levels - and because some of our positions were doing fairly similar things to what their's was in the department, we actually started seeing our positions as being equivalent in structure and, therefore, should be equivalent in pay, whereas the Welfare Workers Award didn't allow for that.

I am sure there would be a lot of other groups around that would have liked to have got parity so easily as what you have given yourselves parity on?... Yes. I guess that's the luxury of commonwealth funding.

I'm not so sure about that.

30 MR PATERSON: One of the issues I also want to take up with you is the question of - and bearing on what you have just said, is there movement of people that you employ between your organisation and either State or Commonwealth public service? Do you see that as any part of a career path for people you might employ under any of these classifications?... Well, certainly because of the way our salary structure falls we actually do attract more interest from that area, yes.

What about going the other way? Do people - in your experience, have people left the Migrant Resource Centre to go into the public sector?... Well, not in the three years that I have been there.

40 What sort of staff turnover have you had in the 3 years you have been there, apart from programs like the migrant workers one which was for a fixed duration?... Well, apart from all the additional programs that have come on since I have been there which ethnic elderly, community development officer and the Phoenix Centre the advocacy worker is the only one that has turned over.

45 And did I ask - I don't think what I did ask you - what responsibility you would have in terms of delegated functions from your committee of management - things such as hiring and firing or disciplinary? We mentioned the professional supervision-type matters, but do you exercise those other type of delegated functions from your committee?... We have a set of policies and procedures that I have developed in

5 conjunction with the management committee, and those actually allow for me to undertake various tasks depending on what the actual area is. But, for example, staff selection - the management committee will approve of the selection panel and then the final recommendation for the selection gets made by the selection panel and goes to the management committee. So they have the ultimate power to hire and fire.

10 In the past - while I am aware that in the past the Migrant Resource Centre has had various subcommittees, is that still the practice of committees that resource or support any of these program positions?... Yes, every program has a subcommittee that supports that program, and although they have no management or administrative authority - the ultimate authority is the management committee - they do provide support and direction to programs in the centre.

15 Where do you see the Migrant Resource Centre going in terms of the range of programs and/or services it offers? Is there anything like a strategic plan that the organisation has that would indicate where it is headed?... I guess what's listed there, apart from the migrant women's health workers, what I would see the core programs within the Migrant Resource Centre and programs that - I mean, areas of need in the community that will remain - programs such as the youth worker would come on board for a year, and basically that came out of a lot of study that occurred over a couple of years, that 20 that was a gap in funding, so we applied for that funding, that will only be for a 12 month period, and then that will move out. So apart from these and the Phoenix Centre, I would say that we would take on other grants as the need arises in the community.

25 Your organisation is identified as Migrant Resource Centre, Southern Tasmania, what breadth of geographic coverage does that give you, and how is the rest of the state serviced?... Basically, our Migrant Resource Centre covers the 002 area. The Migrant Resource Centre in Northern Tasmania covers the north and the north-west coast.

Is there any - no connection between the two organisations corporate-wise?... Not corporate-wide, no.

30 What about in terms of working exchange and cooperation?... Yes, we have fairly regular contacts with MRC north, but basically they are quite different in functions and ours covers a lot broader program areas. So there is a lot of dissimilarity too, I guess, in the services.

35 Has there been any question ever that your organisation might extend to become a state-wide organisation with that being the northern office, if you like, or the northern outlet?... Yes, there certainly has, and 2 years ago the federal government gave an enhancement package to all migrant resource centres around the country which included two new positions which, in our case, was receptionist and the community development officer. But the Migrant Resource Centre in Northern Tasmania weren't recipients of that enhancement package. So at that stage that was mooted but it didn't 40 come through.

What's your general, or your total budget of the organisation roughly?... About half a million.

And what proportion would that be on wages approximately?... Perhaps three-quarters.

45 COMMISSIONER GOZZI: 80%.?... Probably about that. Out of each program in the centre we take 12% ad.min. budget, so apart from that -

Well, I said 80% because I understood you to say that 80% goes to wages.

MR PATERSON: That was in respect of the grant in aid program. There's a requirement of that particular program of 80%?... Yes. So that core funding for the Migrant Resource Centre also covers maintenance of our building and various on costs for actually running the Migrant Resource Centre. But apart from that core MRC grant
5 all other positions would probably be about 80% wages and the rest on on costs and administration.

COMMISSIONER GOZZI: When you talk on costs, your 80% wages component does that include employment on costs? I mean, when you talk about on costs what are you talking about? Are you talking about employment on costs?... Yes, as well as travel. As
10 well as things like travel and -

Well, if 80% is the wages component you would have to allow - I mean, each employee costs you about 30% to 40% for on costs, by the time you take into account superannuation and so on. Superannuation, leave entitlements, sick leave, long service leave, all that sort of thing - workers' compensation. I am just wondering
15 whether 80% is in fact right?... It's not a question I've thought about. If I think about our youth worker funding we have got 46,000 for that and 29,000 will go on pure wages. So the rest of that will be salary on costs as well as other on costs, so that's less than 80%, yes.

So, yes, it is additional?... So that's less than 80%, yes.

20 It doesn't leave you much money to keep the drainpipes clean, and all that sort of stuff.

MR PATERSON: How do you keep the drainpipes clean?

COMMISSIONER GOZZI: Yes, and the floors clean, and the cleaning costs, do you have to pay for those?... Yes. So the Migrant Resource Centre network nationally is
25 funded through a core migrant resource centre funding. That's administered by Nick Bolkas' office, and four positions are in that core funding, and they are the first four listed on that page. So with those core four positions we are also provided a budget for maintenance and cleaning.

Over and above this?... Yes

30 MR PATERSON: So the positions below the community development officer really are program add ons in addition to your core funding from the Department of Immigration?... Yes.

And how secure is the Migrant Resource Centre in terms of its total resources?... Well, the Commonwealth Government just purchased a \$300,000 building for us, so I take
35 that as a level of commitment. We have 4-year funding at the moment, which is quite satisfactory, and that will take us up to '97, and I think there is a basic commitment from the Federal Government on both sides of the camp for MRCs.

You mentioned thereon that your community development officer in particular provides a degree of training. To what extent would your organisation provide training
40 to other services that would fall within the scope of this award, such as boarder accommodation services or the like?... Well, our training program at the moment is purely cross-cultural training and a basic cross-cultural training program, so that is something we are actually looking at extending. But the core cross-cultural program we've provided to a whole host of organisations, and that's across the board. We have
45 provided it to housing services, to sex assault support services. We provide quite a bit to the Royal Hobart Hospital, the mental health workers, so it is quite extensive.

And you recover - make an income from providing those services?... We charge \$250 a day for a training session.

5 And who runs those training sessions again?... Community development officer, myself, project officer ethnic elderly, grant in aid worker and the HAC advocacy worker.

10 What formal training would those people have in training delivery?... We've all been accredited as according to the previous training guarantee levy, so our courses were eligible when that was relevant for that exemption. But we've been through cross culture awareness training trainer programs and that's been run by a consultant in Victoria and also gone through train the trainer programs.

15 So if I can just bring you back to recap, I'm interested in the circumstances in which you would not require a qualification. You've indicated that the youth worker position is one of those and similarly the administrative positions don't fall to that. Do you see situations where you'd break the rules, if you like, that you've set or is that a sort of pretty firm guide that you have that the professional positions are qualified?... We do break the rules on occasions. For example, the grant in aid worker when she came on board was completing her third year of a Bachelor of Arts Degree, so we actually took here on without the actual qualification.

I've no further questions at this point, thank you.

20 COMMISSIONER GOZZI: I just have one before asking Mr Watson. When you moved across from the Welfare Workers Award to the Australian Public Service Award, did you rely on some classification standards to determine what rate of pay ought to apply to each job or - how did you do that?... It was quite some time ago so I don't really recall the details of it all. But, yes, we did loosely align positions and that was really
25 according to responsibility, qualification -

Yes, but did you have - when you say you aligned it that way, did you rely on the classification standards in the various awards or some public - Australian Public Service classification standards?... We relied on the Australian Public Service classifications, yes.

30 Well the classifications, but there is a document that goes with those rates of pay that tells you what is expected at each level?... Yes, that's what we used.

You used those?... Yes.

Right, okay, thank you. Mr Watson?

35 MR WATSON: Thanks, commissioner. Liz, in relation to the migrant resource centres, the ones - just to clarify the one in the north and north-west is a separate organisation to yours?... There's only one in the north and that covers the north-west as well.

Right, so there's two in the state. Is that right?... Two in the state, yes.

Okay, so you're totally separate from the one up north?... Yes.

40 Okay. Can you just recap on your major client groups again, please, just briefly?... Our clients are migrants of a non English speaking background so that's not those who have migrated from England and the greater isles. They cover newly arrived migrants, and that's mainly refugees, and it goes through to anyone who is a migrant, through to the frail aged and people with disabilities. So programs are targeted to
45 various areas.

Right. And how many clients would you see per year?... I actually really couldn't answer that. And part of the reason I can't answer that, as well our organisation provides a range of resources to ethnic communities. So, for example, the Australian/Malaysian/Singapore Association would meet at our building quite regularly and we might support that group in some way, like we might actually attend their meetings or provide other resources. So it's really actually hard to say the number of clients we service.

So are you saying that on the basis that you don't know now, or it's hard to tell, say, if you went back to the office to look through your books or whatever?... The grant in aid worker in her last quarterly report said that she saw 101 new clients in that period. But her position is purely case work, so the project officer for ethnic elderly in the last 6 months or so had - in the last 6 months saw 28 new clients. But her position is not just case work. So she undertakes group work in other functions as well.

Okay. Do you believe that your service meets all the needs of the community?... No.

Okay. Well on that basis what do you believe are the shortfalls?... One of the shortfalls has been youth work. We actually haven't provided any services to young people of a non English speaking background, which is why we have applied for this funding. I believe another shortfall is lobbying, that there are lots of needs in ethnic communities that people themselves of non English speaking background are not articulate enough or they don't know our system enough to actually push their own needs forward. And I would say that one of our roles should be to do that, but we actually fall behind in that area.

So are you saying one of the shortfalls is that you haven't got enough funding? Is that what you're saying?... I guess a shortfall is that we could expand in certain areas and we would require funding for that.

Yes, okay. So is it fair to say then that you don't believe that your funding is adequate to meet the service that you need to provide to the community. Is that a fair statement?... No, because I believe our basic Commonwealth funding actually provides us with enough money to undertake the services that they require of us, the basic functions that they require of us. And because our programs are in such specific areas, I'd say that the funding in those areas is enough to cover that. So with our youth work position, \$47,000 is enough for us to cover that area for one year. Slightly different tangents.

Yes. So are you saying that they provide enough money for you to provide the service that they want you to provide?... Mm.

But you don't believe that you're meeting the needs of the community?... Well ideally we would have a youth worker full time ad nauseam in our organisation, but because the funding has been stipulated in that way we applied for only 12 months because we couldn't apply for more. So I guess, yes, we would ideally have a full time youth worker.

Right. So do you intend to apply for funding for that after this 12 months is up, or - ?... Once the position on the program has been evaluated we will then decide, yes.

And do you think that - have you had any indication from the government as to whether or not that sort of funding application would be looked at favourably?... We definitely wouldn't get funding from the Tasmanian Health Promotion Council, which is what it's been funded through, but we could look for funding in other areas. I mean, we're always looking for various areas of funding. But the problem is that most areas of funding are for a limited period of time, and usually 12 months, so that's definitely a shortfall.

Okay. So in relation to your funding, how much of a percentage of your total income is in fact government funding?... 100 per cent.

100 per cent?... Yes.

5 Okay. So what about the money that you raise from - you talked about the training sessions that you charge. Is that included as income or - like, if you're saying you get 100 per cent of your money from government funding, how do you account for the money that you get from the training?... That's a good question. To date that money that we've raised through training has gone back into providing more training resources for us. And we hope eventually that we might be able to employ a trainer on 10 a part time basis. So once that fund accumulates, yes, we would use that.

Right?... But at the moment that's not a sustainable or regular income to provide that.

Right.

15 COMMISSIONER GOZZI: Could I just ask on that point, Mr Watson - sorry, to interrupt. Where do you get the charter from to train? Is that part of your brief? I mean, don't you get private providers and other consultants jump up and down?... Not in Tasmania because cross-culture awareness training is fairly limited and there's no other private trainers who actually undertake it. When Max Burke was down here from Office of Multicultural Affairs he raised that as a national issue, that there was a lot of people who were undertaking cross-cultural training without any mandate. So I think 20 that that is a national issue. In this state there has - the demand certainly exceeds the supply at the moment.

Yes, but you've just decided to do it?... To meet the need. So the mandate - I guess the mandate -

25 But if you're doing that, aren't you taking time and effort away from other things?... Well that's part of our mandate in terms of promotion of multiculturalism - sensitising the mainstream service providers to the needs of migrants. So in terms of that sort of mandate we could certainly justify what we're doing.

30 Yes, but you've been paid to run programs?... Well we've been supported by Immigration Department to do it. I think the cross-culture awareness training is one of the most preventative and positive parts of our work.

Oh, I'm not quibbling about the merits of the program, I'm just wondering how you are able to do it?... Mm.

35 Particularly as what you are doing is providing more training resources. Its' not - I mean, doesn't that change the complexion and the flavour of the agency?... Okay. Yes - I mean, you certainly have a point and the training program's been running for 2, 2.1/2 years so in that time we've been developing the training program and slowing we've got the cost introduced and raised the cost to the current level. We certainly - don't and the community development officer has therefore spent probably 25 per cent of her time in coordinating cross cultural awareness training and certainly that's not a 40 specific part of her brief although it can be quite easily justified. What we want to eventually do is actually employ a trainer or have someone to contracting the community to do that so, yes, I agree that's a major function.

45 Yes. I mean, I don't suppose it finds its way into the job description or in the classification standard for that matter?... Well it actually - it is in the job description or the duty statement of the community development officer, but more as a minor point. It's not as major as the time it's taking up.

Thank you.

MR WATSON: So, the document ASU.12, is that the total staffing for the Migrant Resource Centre in the south?... No, that doesn't include the Phoenix Centre which has come on board quite recently and that will be three staff.

5 Okay?... And the Migrant Women's Health Worker is actually finished.

And the Phoenix Centre, is that - how do they get their funding?... The Phoenix Centre have - is also a national network - have funding through Department of Human and Health Services for two core positions, the 4 days a week each. The third position comes through 12-month funding again for a trainer position within that centre.

10 Right. Okay. So, do you have volunteers that work for the Migrant Resource Centre?... Yes, we have volunteer - probably about 50 volunteers who work with us on irregular basis so in areas such as the office, updating our library, a befriending service with a HACC program and various odd jobs around the centre, so while they're not a major - a main function of the centre, they certainly support some of the areas of work.

15 Okay. So, just going back to the issue about the shortfall with the service and the remedies that might be available, you mentioned applying for extra funding. Is there anything else - any other areas that you may be able to address the shortfall in the service?... There is also shortfall in our core funding and that's being addressed on a national level. Two years ago when we actually received our enhancement package for
20 two extra positions that meant that they cut back on operational costs for all MRCs nationally and it meant that our operational costs were cut in one year from \$22,000 to \$4,000 which seems unbelievable, but we actually did manage on that, so that's now been redressed nationally, so while I have no direct part in to play in that, I just sort of support the role of some players and MRCs going to Nick Bolkus and the
25 committee of people actually working on that.

Would another alternative be to employ more volunteers or to get more volunteers to work for you?... I think our volunteer program is probably stretched to as much as it can take. I think volunteers are very time consuming to take on. When I say we've got 50 volunteers, we might get volunteers who come in on - I mean, the best volunteer
30 probably comes in on a day a week basis; at the worst we might see, you know, once every 3 months if you can call them best and worst in that sense, but we actually haven't got a volunteer coordinator and I think if we had a volunteer coordinator position we could better use the skills and time of those people.

Other than the charge outs for your training services, do you have the capacity to
35 charge out for any other services?... No, although HACC is bringing in a fee structure, but I can't actually comment on that any further and from my understanding our services under HACC would not be chargeable, so it's more like community nursing, home help, maintenance sort of functions but from what I understand that's not coming in with our service.

40 So do you think that that is indicative of the sector, about not having the capacity to charge out for services as a way of raising money?... That is certainly indicative of our organisation, yes, that we couldn't charge for services. One area that - as I mentioned before, we have a lot of resources that ethnic communities as a whole use - because of
45 the short - the limited operational funding we were given last year we're actually looking at charging for things like room hire and photocopying we already charge for, but administrative assistant, we might have to charge communities on an individual and limited basis, but that's the most that we could charge really.

In relation to the core funding, and what you said about one of the luxuries of Commonwealth funding, is that - again, is that typical of the community services

sector?... That Commonwealth funding seems more luxurious? From my experience in our organisation, Commonwealth funding has been slightly more generous. The funding agreements have been slightly looser so we've been actually able to structure the program ourselves and have a set of outcomes, but we can decide ourselves how we actually come up with our outcomes and it's been more stable, so the project officer, ethnic for example, is funded through human services and health on a 3-year basis. Phoenix Centre through the same department on a 4-year basis, so there's just that recognition that there's very little you can do in 12 months, whereas state government seems very much under the impression still that 12 months funding is enough to undertake some sort of change in the community which I don't believe it is.

Right. So, just in relation to that luxury of Commonwealth funding issue, I suppose what I am saying is do services in general in the community services sector have the luxury of that Commonwealth funding?... Well I think most community services are actually funded through state government, so I'd say no.

Just moving onto the issue about the classifications, and the change of alignment with the awards, and it goes I think to the issue that you talked about with your delegated responsibility from your management committee. Was the classification issue one of your delegated responsibilities?... I originally initiated it, then a management committee person and I jointly actually looked at the award and the structure and the classifications and how that would fit in our organisation, then drew up recommendations which we then gave back to management committee.

Right. Okay. Just in relation to the grant aid worker, I think you said that you got \$44,000 for the program and then 80 per cent of that was the wage as a minimum, so how do they strike the \$44,000. Like, if you've got 80 per cent of \$44,000 that's the salary for the person, what's the genesis behind striking that salary rate?... I couldn't tell you that because it's Commonwealth funding and they have what they call Migrant Access Project Scheme Annual Grants and they have major maps - Migrant Access Project Scheme and minor maps and this is what we call a major map and then you have various levels within that and this grant in aid falls in about the middle level and so they range from about \$40,000 to \$50,000 and they're actually at stipulated levels.

So, if they decide to give you \$30,000 next year and they said: 'Well you can pay 80 per cent of that as a wage', is that how you do it?... If they did that I would have to restructure the whole program. I'd restructure the duties of the position and the qualifications, in fact, I'd fight it because I wouldn't think they could actually provide the service we're providing on that level of funding.

So on what basis - when you say you would restructure the position, on what basis?... I guess what they're asking of us is to provide a professional service to refugees and that - I mean, anything from information support counselling - a fairly well developed knowledge of immigration procedures, group work, running orientation programs and I don't believe that you could do that without at least some sort of tertiary qualification behind you, so I believe that a minimum level of funding for that position would - and a minimum wage would be approximately that \$30,415.

So that \$30,415, that's your opinion of what a base level should be for a degree holder. Is that what you said?... Well I guess it is.

Yes, yes. No, that's okay. So how do you draw that conclusion?... Well I guess the positions are slightly different, but for example, the counsellor we have just employed with the Phoenix Centre, we have employed her at a starting wage of 34433 and it's very different from the grant-in-aid because the Phoenix Centre counsellor, she actually has a teaching background but we required a tertiary qualification but the counselling is very specialised - it's in torture and trauma issues, post traumatic stress disorder, a very stressful position - it was really hard to actually recruit

5 someone in that position, so we had to almost pay according to what we believed the position is worth, whereas the grant-in-aid worker is more generic - it's a broad range of information support sort of services. So it's actually really hard to answer that. I mean it really depends on what the position is rather than if it requires a tertiary qualification or not.

Sorry, I thought, and maybe I got it wrong, I thought what you were saying is that the 30415 was your opinion of a base level for a degree holder.

COMMISSIONER GOZZI: Thirty four nine eight five.

MR WATSON: Thirty four nine eight five - yes ?...Thirty four one five - 30,415.

10 COMMISSIONER GOZZI: Oh, thirty four one five - right.

MR WATSON: Thirty four - yes -that's what I took - yes -

COMMISSIONER GOZZI: Progressing through to 34985 ?...Yes - which is the minimum level for those positions.

Right.

15 MR WATSON: Mm - so - ?... And I guess I see it as a minimum for those positions.

Yes, - no, that's okay, I understand what you're saying, I understand why you think people should have a degree to do the job, but the question is how you'd establish 30415 ?...Mm. I guess it goes back to the job - what the job entails, how specialised the job is; if you need many years of experience to do it - yes.

20 COMMISSIONER GOZZI: Just again - sorry to interrupt - when you do that, do you have regard to these standards that we were talking about before - the Australian Public Service standards or is it just simply something that you might recommend after looking at it. I mean how do you draw the distinctions ?... When we drew this up we did have regard to the Australian services standards.

25 So in respect of the Phoenix person that you've got - 30,433 I think you said which is not a salary anywhere on this sheet ?... Sorry, these are actually before - these are before increments that came in on the 30th - on the 10th March this year.

Oh, the \$8 safety net? No, what came in in March this year ?...Well it was the ASO increments - it's the standard increments they have twice a year.

30 Under their agreement?... Yes.

Under the Australian Public Sector agreement ?... Yes.

Alright ?... So 34 -

35 So what - yes - okay - so this figure, 30,433, still goes back to the Australian Public Service rate? But in setting that figure you'd have regard for the classification standards of the Australian Public Service ?...Yes.

Right. Do you know where the qualifications cut in there ?...No - and it is a very broad regard.

Mm?...Mm.

Right. Right, sorry, Mr Watson.

MR WATSON: No, that's okay. I guess that was following through that - where I was leading to as well, but anyway - the - just in relation to the qualifications, I think Mr Paterson asked you about whether or not you break the rules occasionally?...Mm.

5 So how occasionally?...All the people in our project in our program areas have tertiary qualifications - some of them more relevant than others to the positions, and for example, - and this is historical and I wouldn't do this again - well in fact it wasn't my instigation - but the HIACC project officer has a science degree and I actually don't think that that's relevant for that particular position and I wasn't involved in the employment, but I would say that that would require a tertiary degree in the human services field, so it could be social work, psychology, a bachelor of arts with majors in psyche or sociology.

Yes?...Yes.

15 So in terms of the people that hold degrees, in your opinion do - are they - well if somebody comes along without a degree, and are able to perform the work, does it necessarily matter whether or not they actually hold that bit of paper?... Mm. - for example, the Phoenix Centre counsellor has a teaching degree which by its nature is not directly relevant to her work, but she demonstrated an experience in other levels - in other areas, but I would say it's that - it's that technical knowledge and the theoretical - the ability to sort of - to relate the work you were doing to a very theoretical level and I think that that's really what - I mean the person with the science degree she actually really misses and it's very, very obvious that she's not able to generalise issues to a political level or take up things on a theoretical level. And I would expect very different things of a person who hasn't got a degree like the youth worker which we're about to employ without a degree - I wouldn't expect them to have that level of sophisticated understanding of various issues.

In some industries it's just the situation that you're either suited to the job or you're not -?...Yes.

30 - whether you have a degree or any sort of qualification. So are you saying that that may be the situation in this sector or not?...I think - I think the fact that you have a degree is relevant, but I think the type of degree is more variable, so while - and I think my - I mean I have a social work degree and three people in our organisation do have social work degrees but we actually don't call them social work positions but their social work degree is very relevant for the position, so I think it's the degree rather than the nature of the degree.

35 COMMISSIONER GOZZI: Mr Watson, I'm just going to go outside and have a good cough - excuse me for a moment.

MR WATSON: Oh sure.

COMMISSIONER GOZZI: We'll adjourn for a moment.

40 SHORT ADJOURNMENT

COMMISSIONER GOZZI: Sorry, I do apologise for that, but I've had this rotten thing for a while now and just can't shake it, so if I start coughing again you'll just have to put up with it.

MR: Maybe it's related to the award proceedings and you'll get better when they're over.

COMMISSIONER GOZZI: Yes, that's probably not helping either. All right, sorry, Mr Watson, for that. You've got your wish you see - you got the adjournment.

5 MR:

MR WATSON: Yes.

MR: He must have put something in your water.

10 MR WATSON: There's ways and means. Thanks. In relation to - just going back to the classification issue, Liz, the - you said that for the migrant women's health worker, because it was state government funding, that position was classified in accordance with the state award - is that - is that what you said ?...Yes.

15 Yes. So how - ?... But actually, no that's not true, it was because at the time we applied for the funding and just the process that we'd gone through we actually applied for funding under that award which was before we actually got these in place, so because of that process we just really stuck to that and because it was 12-month funding.

Right ?...If it would have been longer we would have aligned them to ASO.

20 So - so why - like, if you're aligning your positions to ASOs, why didn't you align that one ?... Well because of that - because of the process - because when we submitted, that was before we'd aligned all our staff to ASO levels - I mean it - originally it was back in late '91 I think, so we hadn't actually instituted this stuff in the centre yet, so - because that was all part of the submission we just kept in line with that.

25 So it wasn't possible to change over after - when you did the other changes ?... Well we didn't worry about it so much because it was a 12 month and because I felt the salary per se as it was - the approximately 31,504 - I was happy with that salary -

Right ?... - I mean it fairly well was in line with what, you know, ASO levels were providing.

30 So - so is it fair to say then that - that really your classification or the way you've been determining the classifications has really been fairly to a significant degree dependant on funding and the arrangements therein ?...I guess we lean towards to ASO because most of our funding is Commonwealth - yes - in that respect.

Have you -

COMMISSIONER GOZZI: ASO - I'm sorry - ASO being ?... Administrative Service Officers.

35 Oh, right, yes - we're still talking about the Australian Public Service ?... Yes, yes.

MR WATSON: Have you costed the ASU proposal for your organisation ?...Not specifically but I've certainly got in mind where most of our positions will fit in the community services award.

40 Right - so you don't know whether or not there will be a cost ?...I - well my understanding is if there will be a cost it will be minimal. I feel that our positions are fairly well - can be fairly well transferred to the Community Services Award with some minor alterations.

5 Okay. And if there is a cost how do you intend to make up the shortfall, or how do you intend to raise the money to pay for the cost?...Yes - as I said, the cost will be fairly minimal and because most of our budgets are given fairly loosely, we're not actually tied to a very specific amount for salaries - I suspect we'll be able to make it up. I honestly don't believe it will be that much. I don't think it will be in the realm of thousands at all, so I think within our existing budgets we'll be able to work that around.

So when you say you don't think it's going to be much, have you actually looked at the ASU proposal and matched them against your positions or -?... Mm.

10 You have done that?... But I haven't costed it but I've looked at them and matched them, yes - as they exist at the moment - yes.

15 Right. So - okay - I'm sorry - but if you've looked at it and you haven't costed it how can you say that it's only a minimal cost?... Because I can see where most of our positions will fall in the Community Services Award and that the salaries are roughly equivalent - so I haven't done a dollar costing.

Right.MR WATSON: Right. Okay. I think that takes us out, commissioner. Thank you.

20 COMMISSIONER GOZZI: All right. Just let me reiterate on that. Who would you place at the Community Services Worker Class III? Perhaps come back a bit. Let us go to Class II at page 10?... Class II is where I very much saw our administrative assistants fitting in. Class I I felt was more straight reception duties but Class II I felt was broader and allowed for that more broad definition of programme support.

25 So you saw your administrative assistant Class II, did you?... And receptionist and possibly office manager, although she may go slightly higher because of her bookkeeping and financial management duties.

30 Class II Receptionist and the HACC administrative assistant are all roughly around - well, your office manager goes to \$25,920. Your HACC administrative assistant goes to \$23,397. So, what would you do with those people where the salary was - What does the salary replace for Community Class II. Mr Paterson, have you got that there handy?

MR PATERSON: It's at the back of the document, on page 27 where we see relativities and the final sheet converts those relativities into dollars.

COMMISSIONER GOZZI: Yes.

MR PATERSON: So, a Class II then ranges from -

35 COMMISSIONER GOZZI: 489 at the top by 52.

MR PATERSON: In terms of per annum, \$23,200 roughly to \$25,430 Class II.

COMMISSIONER GOZZI: So, that's where Class II would fit?...I think the office manager would go up to - partly into Class III because she is supervising the other staff and because of her financial management duties.

40 Well, what about the characteristics of the level though. An administrative assistant, without seeing the job description that you use for an administration assistant, don't you think that's a bit high?... Class II.

Yes. By looking at the qualifications and training and the characteristics and level and requirements of the job?... I don't think it's high because I think they pretty much have to work on their work. They don't have very close supervision at all. They do a lot of counter work, which might be people coming in for enquiries.

5 Yes, but what about the characteristics and requirements of the job?... Yes.

10 So, you'd say that your administrative assistant, your receptionist, would fit into a Class II. How does your receptionist fit into a Class II?... She actually does a lot of counter work with clients. She might fill in forms, immigration forms, she might use an interpreter to speak to them about various issues, refer them to other people in our organisation or refer them elsewhere. She undertakes some coordination of activities and she works very much on her own. I guess that's what I took as a difference, mainly between I and II. That I is very much working under close direction.

Okay. What about your community development officer. Where would you fit that person?... Class IV.

15 So it's a 4 year degree, or a 3 year degree?... 4 year degree. I actually believe that -

Is that what your project officer currently holds?... A 4 year degree, the project officer?

Sorry. Did I say community development officer?... Yes. She currently holds a 4 year degree.

20 And you think you can recruit to that position at that level?... Well, only because under the award it actually doesn't allow for - because that position doesn't supervise other staff. I mean, that's the other issue isn't it, what you can recruit at what level, which is why -

Well, I think I have a fair feel of it. Anything further, Mr Watson?

25 MR WATSON: Yes, Commissioner. Just in relation to the track that we've been following and some of the questions I've asked before, just to get your reaction to this - it seems to me that the classifications and rates of pay have really been determined purely on the base of money because when you're looking at classifying positions you have a standard and the rates of pay follow-up but it seems to me you have gone the other way around with the classification of your positions. Is that - probably for good reasons?... It's actually not true. I mean, it's an issue that I've thought about a lot in determining the ASO levels. Obviously what we pay is determined upon what we get but we have very much looked at ASO levels and the responsibilities and duties within those classifications as to how we pay. The pays vary very significantly between different positions and that is very much to do with duties of the position rather than
35 funding.

So, would you have raised salaries for certain positions purely to recruit?... We actually have done with the Phoenix Centre because being and trauma counselling, we actually advertised twice and couldn't get anyone, so we raised the salary but it's not something we've done generally.

40 Okay. Thanks.

COMMISSIONER GOZZI: Mr Kleyn, do you have anything?

MR KLEYN: No, I'm right, thanks.

COMMISSIONER GOZZI: Mr Paterson?

MR PATERSON: A few matters to tidy up. The Phoenix Centre - we seemed to get mixed up with our 30s and 34s. What was the amount for the Phoenix Centre - \$34,433?... Yes.

COMMISSIONER GOZZI: \$34,433. And that is the adjusted rate from where?

5 MR PATERSON: That's the position that's not on here for the Phoenix Centre, trauma counsellor.

COMMISSIONER GOZZI: Yes, but it comes from one the - ?... It's adjusted from \$33,924.

Right. That was the APS public sector agreement?... Yes.

10 MR PATERSON: You would have had a problem would you not with the Welfare Workers Award in that there weren't any standards alongside what was commonly available, a classification number and a rate of pay, no indicators?... Mm.

15 When you were talking about volunteers in reply to the questions Mr Watson put to you, you indicated that there was no position of volunteer coordinator, although you would like one. In the absence of that position, who does that work of training, recruiting, coordinating of volunteers?... We use some of the services of the volunteer centre but from apart from that, we basically manage the volunteers in amongst our other duties but for that reason, we don't use volunteers to actually hold up the programmes but it is more or less just a supportive function.

20 But when you say, we, - ?... Office manager, HACC project officer, receptionist.

You also mention with the Phoenix Centre that there was a training position, what do you mean by that. Is that a trainee working for the organisation, or a trainer?... That is a trainer position. It is to train mainstream service providers on issues of and trauma. That is working on a statewide basis and it is 12 months funding.

25 Do any of the other projects work on a statewide basis?... No.

30 You also mentioned certain outcomes - outcome monitoring processes and an evaluation of your youth worker position. Who undertakes those functions of monitoring outcomes and who will undertake the evaluation of that youth worker position?... The youth worker will be directly responsible to me as all programmes are in the centre. We have actually structured this position so the community development officer will support that worker and support the whole evaluation process and that is because that youth worker will presumably not have a level of experience that other workers have and not the tertiary qualifications. So we have set up a separate support in the organisation.

35 You also mentioned, I think, in respect to one or two positions, the need for knowledge of immigration procedures. My understanding, and it is not in any great detail, those immigration procedures take a person into a lot of quite complex legal issues. How do you deal with that, in terms of people's skill requirements?...

COMMISSIONER GOZZI: Would you to re-examination?

40 MR PATERSON: When you spoke of immigration procedures, what did you mean in terms of the positions you talked about, and I think in reply to a question from Mr Watson?... There's a whole new national scheme of setting up migration agents. I don't know if you're aware but because of a lot of issues that were going on and false advice provided to people and basically a lot of people charging exorbitant amounts of money for giving advice, they've actually set up migration agents, so anyone who is providing
45

migration advice has to be an agents. Most of those are lawyers and migrant resource centres have overall got migration agents in each of the centres on a free advice basis. We have five people in our organisation who are migration agents.

5 That involves some sort of accreditation, as you just mentioned through the grant system?... Accreditation and ongoing training.

I've no further questions, thanks.

COMMISSIONER GOZZI: Thank you, Mr Paterson.

10 Just one final question. In response to a question that Mr Paterson put, you mentioned volunteer centre. I hadn't heard that before. What's the volunteer centre?... Volunteer centre is state government funded and is basically one position that recruits volunteers and trains them and then matches volunteers to organisations in the community.

Where is that located. Is that with migrant resources?... No. It's a completely separate organisation. It's based in Campbell Street.

15 And is that used for volunteers generally, across-the-board?... Well, I understand it is used fairly widely.

Thank you. You can stand down.

WITNESS WITHDRAWN

Mr Paterson?

20 MR PATERSON: I'm not sure what our time commitments or availabilities or intentions are this afternoon. What I would like to do is present a number of documents which have been -

25 COMMISSIONER GOZZI: Well, you've got to a quarter to five. It's up to you, if you've finished what you want to say, then you have some more witnesses to call, haven't you?

MR PATERSON: Not today. My other witnesses are available at 10.30 and 12.00 tomorrow.

COMMISSIONER GOZZI: That's right. But you've got substantive submissions to make, haven't you, still?

30 MR PATERSON: I still have, yes, and I will probably usefully use the time this afternoon to present substantive submission on the classification structure itself.

COMMISSIONER GOZZI: Right. Okay.

35 MR PATERSON: But for the next little while I'd like to just briefly talk to a number of documents, the first I'd like to present as evidence is a recent review of the Support Accommodation Assistance Program, a report called 'Moving On', and I believe was produced last year. Subsequent to that report, the Council of Social Welfare Ministers, a year ago basically agreed that a group of senior officials be convened to produce this document which we've tabled here which is commonly known as Strategic Directions For SAAP.

40 COMMISSIONER GOZZI: And that will be marked exhibit ASU.13.

MR PATERSON: The significance of this document - I've provided - - and basically that's - essentially in it's full detail, but without its appendices, but the critical issues that I'd like to draw the commission's attention to are commencing on page 4 under 'Key Issues' and continuing through to page 9 and then pages 12 and 14 and just if I can briefly explain my rationale in tabling this document the SAAP program is clearly one of the major programmatic component of services in this industry as it is currently covered by this award, by the scope of the Community Services Award, and these strategic directions outline what I believe is a fairly significant change in the SAAP program. Whilst this is effectively a funding and a funder proposal, there are significant elements in this that will in turn cascade down to shaping how service providers design, develop services and inherently the relationship between service delivery and the people delivery the service, their employees.

COMMISSIONER GOZZI: There is a SAAP Award, isn't there?

MR PATERSON: There is a Crisis Assistance and Supported Housing Award which has a number of consent parties to it. I believe in this state it is now six. There is a log of claims still hanging somewhere out there in limbo which would lift those services out of the Community Services Award. At what stage that happens is still in the - beyond our hands, so -

COMMISSIONER GOZZI: All right. So what's the name of the award? I thought it was the SAAP Award.

MR PATERSON: No, there is -

COMMISSIONER GOZZI: What's it called?

MR PATERSON: The consent award that covers some SAAP services, some 70 nationally, is the CASH Award - Crisis Assistance and Supported Housing Award 1991.

COMMISSIONER GOZZI: Okay. That's the federal award.

MR PATERSON: That's a - yes, a federal award made with consenting parties some 70-odd out of about 800 services that were served with a log of claims nationally, some 23 or 24 services logged in Tasmania.

COMMISSIONER GOZZI: That's right, and -

MR PATERSON: That award, as it is made, is essentially a bare bones no costs conditions only award that provides for TCR type standards -

COMMISSIONER GOZZI: Yes.

MR PATERSON: - and basically anything that's giving a cost impact is not included and is on leave reserved.

COMMISSIONER GOZZI: So, some of the areas that are going to be covered by this award will in fact be picked up by the CASH Award -

MR PATERSON: Indeed, that's correct, and -

COMMISSIONER GOZZI: - further down the track.

MR PATERSON: - further down the track - I mean, as those of us who have been here for some of the distance over the last 4 years will be aware that the full bench

considered this question in the scope proceedings I guess some - it would have been in the middle of '91 I believe -

COMMISSIONER GOZZI: It was a while ago.

5 MR PATERSON: - and it was decided as best as I can draw from transcript at that time, that notwithstanding those federal developments in relation to logs served by unions, the full bench decided that it would progress this matter which subsequently produced the scope which contains no explicit exclusions in relation to those federal logs the position by default or constitutionally being that they will be lifted out of this jurisdiction if and when a federal award is made.

10 So, in part I suppose that also imposes some limit on the relevance of this in its specific detail, but in a broad brush it illustrates that there is a significant move in terms of a demand of funding bodies being governments on the service providers to achieve outcomes. If you look at page 5 you will see that the program has been given a new objective. It refers subsequently - half way down page 5 - to client outcomes and
15 then goes on on page to talk about strategies and the strategies proposed - and the particular strategies proposed that are relevant to the nature of work being in essence a work value principle or a criteria of some relevancy, I believe, the broad strategies that reflect an impact on the nature of the work done are client assessment, case management approach, improved access to and linkages with other related services
20 and improved strategic planning. The document then goes on to talk in further detail, over the next few pages -

COMMISSIONER GOZZI: I'm sorry, Mr Paterson, to interrupt, how do you link this into work value?

25 MR PATERSON: The principle of work value that I believe this relates to is the nature of the work.

COMMISSIONER GOZZI: Yes.

MR PATERSON: What this program is producing is a demand of funding - funders - funding bodies that the service providers put an emphasis on client assessment and case management to an extent and has been the case in the past.

30 If you look to particular supported accommodation assistance services you see a range of ways and means of delivering services that have grown up in a fairly ad hoc way over time. I think we can look to some of the services we visited on our inspections, being Bethlehem House, City Mission Service in Launceston, Centacare's Barton Lodge, the Devonport Youth Shelter, the range of functions that were required of their
35 employees varied enormously. What we are now getting is a direction which will, in my submission, mean that most employees involved with a significant client contact will be required to be across the skills involved in assessment case management than intervention.

40 Further on and perhaps more pertinently on page 9, we see an emphasis that is applied as part of this government offices review on training. And the building on current infrastructure, as it says in the second major paragraph there towards the end, as one course that could be adopted building on current infrastructure such as TAFE courses that provide formal qualifications, could be one strategy adopted.
45 Without in any way pre-determining what shape or form that training is going to take, this strategy for a significant and major funded program in this industry has got a renewed commitment to training and the training of the people engaged in delivering services.

5 Going further on in the document to page 11, 12 through to 14, there are a number of special issues identified which I think also, whilst not intending here and now to go into any great detail on them, indicate that there are areas of need that have been identified that relate to specialist clients, in particular clients suffering from mental health problems, young people, which has always been a target client group of the SAAP program certainly since it has been known and developed and implemented as such, children accompanying parents and Aboriginal and Torres Strait Islanders, people from non English speaking backgrounds.

10 My intention in tabling this is to essentially to point to some of the developments that are happening that show the trends in the industry and the things that reinforce the need for an appropriate classification structure to deal with those and to enable the industry to deal with these trends when it comes to questions of designing and developing and implementing jobs and job descriptions.

15 A comparable document that I also wish - unless there are any further clarification on that document.

COMMISSIONER GOZZI: Did you also refer to page 14?

20 MR PATERSON: Page 14, I did, yes, being the last two of the special issue targets, being children accompanying a parent and Aboriginal or Torres Strait Islander and non English - people from non English speaking backgrounds, reinforcing again that that targeting of services also has a tendency, as I think we've seen from our last witness, to produce not only a need within services such as SAAP services to meet that need and inherently a degree of specialisation in their employees, but also opens up training opportunities and service provision opportunities for other services such as Migrant Resource Centres.

25 And perhaps also to go back to a question that you yourself put to the last witness, Mr Commissioner, that - and in this document going back to page 8, the linkage to other services and programs, whilst only scantily identified there, does suggest alongside a number of developments in other areas and particularly the linkage that is being promoted to a significant extent in SAAP programs, is the linkage to employment training services, such as in Skillshare, that there have been perverse situations where 30 two services, one an accommodation service and one an employment service operating on opposite sides of the river, exchanging clients, don't actually talk to each other. So that sort of linkages, I think, reinforces that it is appropriate in services such as Migrant Resource Centres for them to be providing certain training, and is in fact 35 encompassed and envisaged in these directions of the funding bodies.

40 Two other reports that have come to my attention in the last few weeks - and again I'll table them without a lot of discussion, although I do say largely it's background. Firstly, a report of the House of Representatives Standing Committee on Community Affairs, called 'Home But Not Alone', a report on the Home and Community Care Program.

COMMISSIONER GOZZI: We'll mark that ASU.14. Is that just one document there?

45 MR PATERSON: There's just one document in that. And again in many respects this document, for a different program - for the Home and Community Program, which, as we heard from our last witness, the Home and Community Care Program is largely about meeting the needs of frail aged and people with disabilities - frail aged people and people with disabilities. The general thrust of this document and its recommendations reinforces and parallels the ones in the SAAP program. The report here is - and the document here is essentially the recommendations of the report from selected chapters in that report.

And in particular I draw attention to the page - two pages numbered `xvi' and `xvii', summarising chapter 6 - Access by Special Needs Groups, which again relates to the specific targeting of HACC services. In this case under `Recommendation 13, on page xvii the special need identified is that of people with dementia. And again this I submit indicates a degree of specialisation and specialist - specialisation to do with a particular client group. Recommendation 14 restates the role of case management as a model in HACC services. And perhaps one of the more significant ones that Ms de Vries did make some passing reference to is that under Recommendation 16, which is a recommendation of the committee that the federal department in conjunction with states and territories pilot a user charging system, which is considering the levying of fees on the clients of Home and Community Care Services.

The corollary of that is that some of these services may well in the future be delivered by for profit services. And I submit that that too may well add some new variables to the nature and character of this industry and the work done within it. Assessment again, as a technique of and a priority of service provision is promoted and discussed on page xxii under Chapter 9, proposing a regional community assessment agency independent of service providers and governments as a gatekeeping organisation.

COMMISSIONER GOZZI: Just tell me, how do they keep track of all these things? I mean, gatekeeping and all these other bits and pieces.

MR PATERSON: Well I suppose that's why they have Senate Estimates Committees and Auditor-Generals and the Opposition in the Federal Parliament loves to spend their Senate Estimates Committee time tearing these things apart.

COMMISSIONER GOZZI: Look, I reckon it's one of the reasons - I mean I don't say that facetiously - I reckon that's one of the reasons that this whole area costs an arm and a leg. I think they're that - I think it's that diverse I don't think there would be anybody - or you might be an exception, Mr Paterson - that would know exactly what goes on in this - in this area. I mean it's just a bottomless pit.

MR PATERSON: It certainly is a fluid and changing landscape to say the very least.

COMMISSIONER GOZZI: I mean I reckon this has to be potentially the best area - if you ever wanted to defraud anybody or fiddle the books this has got to be it. I mean just invent an acronym and get some funding for it and away you go.

MR PATERSON: Except at the end of the day every organisation that gets funded has - is usually required to have some sort of corporate identity which brings them under the Corporate Affairs Commission.

COMMISSIONER GOZZI: By the time the bureaucrats caught up with that, I'll tell you what, the program would be long swelled up with another one.

MR PATERSON: Well it's Freidrichs all over again isn't it? The National Safety Council was within our industry in Victoria arguably.

COMMISSIONER GOZZI: Exactly. I mean -

MR PATERSON: I suppose some of these - some of these recommendations - particularly the assessment process - really are about evening out some of that. The priority of linkages with programs certainly is about better integration of services to meet client need. The push towards case management that is happening from - I think it's a - it's a development that is across the board that comes from - or that finds expression in the Working Nation white paper the changes that are happening within CES and Skillshare as Mr Kay would know, and in both these programs are about

client outcomes and better servicing clients. Whether that answers your questions at the end of the day about proliferation and duplication and waste remains to be seen.

5 COMMISSIONER GOZZI: Yes, well look, you know, I'm not saying that the programs aren't needed, far from it, I'm just simply saying it becomes a nightmare. I mean even a document like this you're looking at CRC, the CSDA and, you know, the interrelationship between CSDA and the HACC program - really you'd have to have a glossary of terms to keep track of it. I mean -

MR PATERSON: The Industry Training Board's report that I referred to before, it does in fact have a - a list of acronyms that manages to fit on one page.

10 COMMISSIONER GOZZI: I don't believe it.

MR PATERSON: But it's not - it's not all that inclusive. But looking at chapter 10 I think it's, certainly from a political point of view that the union would hold a view, I suspect, that the developments canvassed here in chapter 10 under roman xxv are dangerous pathways to be walking down where they are basically opening the door for examination of efficiency and quality of private profit providers. Well the regime in the past of non-profit community service organisations under these funded programs has certainly provided some constraint because non-profit organisations or incorporated bodies can't disperse their gains to their committees and managers without breaking the law.

20 COMMISSIONER GOZZI: Mm.

MR PATERSON: This certainly opens gates that I consider to be of concern at the very least.

25 COMMISSIONER GOZZI: I mean just, you know, flicking through this document as you were speaking to it, the - and I'm trying to find it actually as you're talking about it - the ECCs develop and implement a national policy on access to HACC service for people in NESB. It's like morse code.

MR PATERSON: Yes, well NESB is what we all have to learn - that's alright. Home and community care is a program - if you're in it you know -

COMMISSIONER GOZZI: English speaking background - I mean I know what -

30 MR PATERSON: Yes.

COMMISSIONER GOZZI: I suppose that's non English speaking background is it?

MR PATERSON: That's correct.

COMMISSIONER GOZZI: What's the ECCs? It sounds like the European Common Market.

35 MR PATERSON: I -

COMMISSIONER GOZZI: I mean all through this document - anyway, that's getting off -

MR PATERSON: I suspect -

COMMISSIONER GOZZI: - that's getting off the point.

MR PATERSON: - the full - the full document if it is well prepared will have a list of acronyms.

COMMISSIONER GOZZI: And then there's ACATs and - you can see it's written by a bureaucrat, that's for sure.

5 MR PATERSON: I can't answer all your questions.

COMMISSIONER GOZZI: No, that's fine - I mean as I say, that's getting off the point. I think I've expressed my view before that, you know, I think in administration it must cost a tremendous amount of money to administer all these things and a one stop shop would save us millions and millions of dollars.

10 MR PATERSON: Well the reality of course is one of increasing targeting both of programs/services funded under those programs and client targets which to some extent mitigates against the one stop shop approach.

15 COMMISSIONER GOZZI: Yes, sure, but you know, I, for the life of me - well I suppose I can and the way you've got the Phoenix program and all these ethnic elderly and community development, grant-in-aid and all these other programs and so on, it becomes a nightmare just to apply for funds for each of those programs - you know, to justify it all the time. Anyway -

20 MR PATERSON: And I suppose the development conclusion I draw from that has to do with the nature of work in those organisations and suggest that those organisations, particularly an organisation like my own regional centre are how it all comes together and that the diversity of programs and the work that they are able to do in pulling together a cohesive network of services is a relevant consideration to us here.

25 The second document which I think probably indicates some duplication in terms of processes is another report into the home and community program that was released at approximately the same time, which I'll again provide for information background.

COMMISSIONER GOZZI: It's HS - ASUA.15 - ASU.15.

30 MR PATERSON: To a significant extent this - this document is a - a report of an efficiency and effectiveness review of the HACC program and it's my understanding that this is - this is the bureaucrats review - I may be wrong on that. The previous document was in fact a house of representatives review so the previous document was ASU.14 - was a parliamentary review. It's my understanding that this document is a joint Commonwealth-State -

35 COMMISSIONER GOZZI: Well I'll tell you what, whoever wrote this document is on the right track. Now I've just received this; methods of funding - there you go:

The Review identified the current funding mechanisms as one of the impediments to improved efficiency and effectiveness.

Well, I'll tell you what -

40 MR PATERSON: The central significance of this document apart from there are a number of features that it goes on to from page 3 on in terms of options to be considered within the program, the essential issue that I draw out of this - and again not taking out the question of unmet demand for services - is that what is happening

in particular programs and what is suggested here is in the second identified basically in the second paragraph under methods of funding on the first page -

COMMISSIONER GOZZI: Right.

5 MR PATERSON: - which is a shift away from passive funding of organisation - of organisations - to actively purchasing services. This has come, I believe, to be known as the funder purchaser provider status of funding which is about a funder who purchases a service from somebody who provides it, and it is a move away - and I guess I'm putting it in terms of a stress and a strain on the system that is currently on the ground - away from funding from core services to funding of outcomes and outputs
10 of services.

COMMISSIONER GOZZI: It makes sense to me.

MR PATERSON: The drug and alcohol service - support service run by the drug education network that we visited in our inspections at the - wherever we are - top of end of Murray Street - Burnett Street - is very much within this system where they're effectively being funded for achievement of outcomes which leaves core funding such as we just heard applied in the migrant regional centre, vulnerable at best, and without going into the merits or relative merits or otherwise of such a move I tender this and make the submission that this effectively just will be another - is another - further evidence of how changes in government policy impact upon the conditions
15 under which we've just performed within the industry. So that's essentially my intent in tabling these documents on the Home and Community Care program.

Whilst I still have - I have two or three further documents that I'll provide at this point in time; one again is presented as a fairly broadbrush picture of some characteristics of the industry and there's an excerpt from a national board of Employment, Education and Training - a commission report from July 1992 on -
25

COMMISSIONER GOZZI: ASU.16.

MR PATERSON: - on disadvantaged job seekers, particularly in respect of casual, part time and temporary work and whilst we have obviously already dealt with those conditions of employment, I've provided this excerpt from that report and I believe
30 highlighted a number of sections of it. It talks in general at a fairly macro level about the employment patterns and the conditions of work within the community services industry, and again I think these reinforce some of the characteristics of the industry that is less familiar to all of us in some way or another.

The insecurity of employment, the disparate nature of rates and conditions, and looking to the second paragraph on page 22, the impact suggested by this document on new awards by the emphasis on professionalism and skills.
35

Probably a feature that is worthy of some further research, not particularly related to this matter here before us now, but it's the real nature of the volunteer and the voluntary relationships in community services.

40 There is obviously a historical belief and there is a current reality, and they don't always match.

And then again going over to the third sheet on page 35, workers in community services are examined from a consultationist part of the preparation of this report, some general themes coming from the consultations with workers in community services are presented there.
45

And on the last page there is some further comments about the insecurity of work in community services and presenting some of the issues that relate to the nature and conditions of work.

5 COMMISSIONER GOZZI: Mr Paterson, I think relevant to this exercise that we are embarked upon I would just like to ask you, on page 22, the second paragraph from the top, they talk about:

10 *The push towards professionalism has been accompanied by consolidation of employment security and decent working conditions'. Now this is not the case in the non-government welfare organisations, which are the NGWO'S. However, for workers in the NGWO's which constitute the backbone of the community service industry the processes of professional development has been a slow crawl towards recognition of the skills of the employees.*

Now, obviously qualifications is an important aspect of that. How does that sit vis-a-vis what you're asking me to endorse in these proceedings?

15 MR PATERSON:....I have a couple of further documents which I wish to table that go to that in particular.

COMMISSIONER GOZZI: All right. When you are ready.

MR PATERSON:....The first of which is a SAAP training calendar, and two fliers on SAAP training. I will present those.

20 COMMISSIONER GOZZI: ASU.17. I was more asking the question in the context of where you want to bring in your qualifications in the career stream.

MR PATERSON: Sorry, what was the number to be placed on that? ASU -

MR:Seventeen.

25 MR PATERSON: The ASU's proposal in its full breadth envisages an associate diploma entry point at 105% within the Community Services Worker - Class II - a proposal that has been in circulation for considerable time now with effectively giving effect to an accelerated progression that would take somebody with an associate diploma up to the top of Class III over time with experience. For those purposes I have copies of the relevant associate diploma syllabus, which I'll just -

30 COMMISSIONER GOZZI: Are you proposing that they have that associate diploma from Class II onwards as an option?

35 MR PATERSON: The way it's framed in the ASU's - our union's submission - is that the associate diploma without relevant experience is a qualification and training for Class II, so effectively entry to Class II would be at that - with that qualification. We're then providing for an accelerated advancement through to Class -

COMMISSIONER GOZZI: Three - level 2.

MR PATERSON: - to the top of Class III.

COMMISSIONER GOZZI: But you'd agree comes in at level Class III?

40 MR PATERSON: The degree entry - the entry point for a degree holder- yes - is posited at Class III.

COMMISSIONER GOZZI: Yes. Now - and it's Class II in the proposal that Mr Watson is going to put forward - is that -

MR PATERSON: The employer's position as it was put to us at our last meeting in fact aligns the associate diploma -

5 COMMISSIONER GOZZI: Right.

MR PATERSON: - alongside the responsibilities and characteristics and requirements that are in our document identified at Class III.

COMMISSIONER GOZZI: Right.

10 MR PATERSON: The degree in the employer's position, given the necessary comments that have to be made about -

COMMISSIONER GOZZI: Yes.

MR PATERSON: - similarities and differences, but broadly taking our seven levels as comparable, the employer position has a degree entry alongside our Class IV responsibilities.

15 COMMISSIONER GOZZI: Class IV - okay. Yes, right, okay.

MR PATERSON: Do I take it that the syllabus document is ASU.18?

COMMISSIONER GOZZI: Yes, thank you.

20 MR PATERSON: Having tabled those documents, I think it may well be appropriate that I do now speak to the classifications document that we have with the time remaining to us this afternoon.

COMMISSIONER GOZZI: All right.

MR PATERSON: Unless there is any need for a brief adjournment, I'll proceed.

COMMISSIONER GOZZI: Well look, we will just adjourn for 5 minutes and then we can resource that time.

25 MR PATERSON: Thank you.

SHORT ADJOURNMENT

COMMISSIONER GOZZI: Right. Mr Paterson?

30 MR PATERSON: I thought I could usefully use the - basically the last 20, 25 minutes that we have before us today to quickly go through the essential principles in our classifications document. Till what time did you suggest we - till a quarter to 5.00?

COMMISSIONER GOZZI: Oh well, if we can get through that. I mean - it's - you know -

35 MR PATERSON: Well I'll aim to work to that timetable.

COMMISSIONER GOZZI: - at the appropriate spot around about a quarter to 5.00 we'll stop then.

5 MR PATERSON: The definitions that are on the table here, as with some of the other concepts embodied in our classification structure, and here of course I am talking to the document provided earlier - ASU.11, have done a number of rounds within this industry both in this state and others. I won't go through the general definitions in any detail other than to come back and refer to them if necessary in the discussion of the particular classification standards at each level, other than to mention the critical ones that I believe are important are those that go to the question of supervision and direction on page 2 and 3 of ASU.11.

10 In developing the union's proposal I came to the conclusion that the nature of the industry and the conditions under which people generally work mean that supervision is appropriately used to define the way work is monitored. It's my submission, and it's embodied in this proposal, that regular supervision where work is subject to progress checking is essentially only at ASU.1, that the - Community Services Worker - Level 1, and that general supervision is by far and away the general trend. At higher levels that is modified by being minimal general or by way of reporting. Immediate supervision is used to refer to the situation in which the supervising employee is normally immediately available, and I've used direction as the more extensive definition which is used to distinguish people's jobs and the nature of responsibility by virtue of how they are given their instructions or how they are told or directed to perform their duties, and it's my submission that that - that that use, subject to whatever maybe put forward by other parties but I believe that this stands as a useful and appropriate range and typology, if you like, of supervision and direction.

15 20 25 COMMISSIONER GOZZI: Yes, it's certainly a very - a description of work - you know - in - and so on, it's certainly very prescriptive isn't it? Is it workable?

30 MR PATERSON: Well I believe it's workable in the sense that looking at - looking at supervision it broadly falls to two levels - general and regular - that by and large most supervision is general and then it has to do with whether it's extensive or minimal, if you like. In terms of direction, again the close direction really is it applies to the lowest level of the classification structure with general coming in at level 2 - at Class II and limited and broad at higher levels.

35 I believe it's workable in my consultations with members and other people with an interest and - who have discussed this position with us. It hasn't been raised as a serious concern. I believe that in general the process of putting this sort of thing in place is facilitated by extensive definitions and I think they will assist in the development of appropriate classifications, duty statements, job descriptions, at the coal face at the work place.

40 COMMISSIONER GOZZI: So can you have a professional - oh well, yes, I understand what you're saying, I don't want to get into semantics of a debate on it.

45 MR PATERSON: Well I think obviously there is room for some semantics of debate - or some debate on semantics and it may in fact be appropriate and necessary to clarify some of those - those matters as we go through. I think it's important that people don't just pick it up and say how do we build a job around a dictionary, but they use those as points of reference when they come to the use of a particular phrase or terminology within the classification structure, so one needs to be seen relative to another and they are I think are useful when it comes to the point of fine detail at the end of the day which may in fact be quite appropriate.

50 COMMISSIONER GOZZI: Well, what you get by it, as long as you're aware of what you're putting is a very prescriptive type document that anything that's not defined -

words such as, apply, assist, basic minimum complexity, moderately complex, very complex, that what you do at the end of the day is potentially create arguments as to what those words mean in the ordinary context of the workplace.

5 Now - I mean that potential is there. That's why in a lot of cases the definitions are, you know, reasonably - reasonably broad, but - I mean obviously it's a document that you're putting to me and I'm not putting anything other to you as - as for you to think about it.

MR PATERSON: In general there has been considerable thought -

COMMISSIONER GOZZI: Which you probably have done anyway.

10 MR PATERSON: - thought go into this, both here and in terms of its development in other places. To a very large extent the hierarchies of definitions, for instance, from complex to very complex, or from experience through to extensive experience, are meant to establish a hierarchy that relates to the various levels and to assist in the -
15 in the clarification and interpretation of - of the body of the document. And I would put - put the submission that whether or not there is definitions in the award there's still the scope for those sort of interpretations in terms of where people are classified and I believe this document goes a long way towards putting a framework around a - a framework classification structure that is appropriate to the industry.

20 So to progress on to the particular features of the various classifications, I would draw out the things that I - draw attention to the features of these structures as I believe they will be important and critical in determining levels as - putting this document up it is recognised that it's not - there's no single line answers and the interpretation and the appendix at the end of the document in fact is a guide to making the system - making the approach work, and the position analysis, position evaluation and steps in
25 classifying the position as outlined in Appendix 1 on page 33, need to be borne in mind that the sort of approach envisaged by this framework is not just one of comparing a person's job with a single level but it's a question of best fit perhaps to more than one level.

30 COMMISSIONER GOZZI: Okay. Well let's look at Community Service Worker Class I appropriate relevant experience; what definition of appropriate relevant experience does that come under in the context of definition of experience? Is it under -

MR PATERSON: I suppose the -

COMMISSIONER GOZZI: Is it under experience? Is it under considerable -

MR PATERSON: Experience is defined - or experienced is defined - experience is not.

35 COMMISSIONER GOZZI: Well experience - you've got experience.

MR PATERSON: Experience means having worked in a relevant field to have sufficient understandings and I would suggest that that relates to the characteristic of the levels as in the second point. Relevant experience - and we're talking about a level of skills sufficient to undertake the range of activities which are then detailed below.

40 COMMISSIONER GOZZI: See the relevant experience really relates to the characteristics of the level doesn't it? And - so you need to have appropriate relevant experience in the context of performing the requirements and the characteristics of the level?

MR PATERSON: Yes. And the

COMMISSIONER GOZZI: And of the task.

MR PATERSON: - the position at level I is very much envisaged as the - as the entry level to this structure.

COMMISSIONER GOZZI: Right. Okay.

5 MR PATERSON: And it may require on the job training and the characteristics of the level in the third paragraph there indicate the employee will be involved in extensive on the job training including familiarisation.

COMMISSIONER GOZZI: So this is the 95%?

MR PATERSON: This is the 90 - 95 - 100% within the ASU's -

10 COMMISSIONER GOZZI: Yes -

MR PATERSON: - framework, and effectively the unqualified entry level into community services worker classifications.

15 COMMISSIONER GOZZI: - ie., the requirement to undertake on the job training, for instance, because presumably somebody coming in may not have relevant experience, may not have attained previous relevant experience or may not have an appropriate certificate relevant to the work?

MR PATERSON: That's true. And the requirement for on the job training would in fact be the requirement that plugged the missing gap, if you like, in those entry qualifications and training requirements.

20 COMMISSIONER GOZZI: Mm. So, you know, looking at that 95% entry -

MR PATERSON: Ninety - 90, 95 - in terms of our -

COMMISSIONER GOZZI: Oh, hang on, that's Class II isn't it? Oh, hang on that's -

MR PATERSON: - position - it's 90, 95, 100 is the three rates that the union's - ASU's position sets alongside this position.

25 COMMISSIONER GOZZI: Yes - now where is it again in this - where is that in this document?

MR PATERSON: The wages is on page 27.

COMMISSIONER GOZZI: Page 27 - right.

MR PATERSON: The proposed wage rates.

30 COMMISSIONER GOZZI: Right. So do you think then that in the context of Community Service Worker Class I, that you would differentiate on the entry points between somebody that's got appropriate relevant experience or who has attained an equivalent level of skills or whatever, or has an appropriate certificate or with the person that may be required to undertake on the job training - do you see all those
35 starting at the same point?

MR PATERSON: This proposal does envisage any entry above the start point.

COMMISSIONER GOZZI: Right. But -

MR PATERSON: So it envisages - there's nothing in this - in this classification for Class I that proposes anything other than a single commencement at the 90% rate.

COMMISSIONER GOZZI: So somebody that's got some relevant experience and somebody who gets on the job training both start at 95%?

5 MR PATERSON: Ninety per cent.

COMMISSIONER GOZZI: I'm sorry - 90%.

MR PATERSON: Mm.

COMMISSIONER GOZZI: Okay - I understand what you're saying there.

10 MR PATERSON: In terms of how this document is framed, the format of it derives from discussions we had in one of our informal conferences and the statement that the five key sections to each classification are the qualifications and training, broad characteristic statement, requirements that relate effective - largely - to knowledge and understanding principles, the section on indicative tasks and functions and then a section on responsibility.

15 At class 1, the union's position has the application of performance of functions, defined by various established routines and standards with limited scope for initiative. I don't think I - I don't believe I need to read through the document in order to make the submissions, that the document in a large extent, stands on it own, that the indicative functions basically outline a range of functions. The ones that our two
20 witnesses - the union's two witnesses today provided indicate one of the distinctions I - this document draws between level 1 and level 2 that at level 1 we're talking about the provision of routine information and internal referral maintaining basis systems including client and service records.

25 COMMISSIONER GOZZI: Mr Paterson, do you think that somebody at that level ought to be on the same rate as a tradesperson who undergoes an extensive apprenticeship period and then goes onto the, you know, the tradesperson's rate?

MR PATERSON: It's the union's submission -

COMMISSIONER GOZZI: And this is - this could be somebody out of school, couldn't it?

30 MR PATERSON: It could be - in theory it could be.

COMMISSIONER GOZZI: As long as it's got the appropriate certificate relevant to the work. Wouldn't be somebody that might have just gone through a TAFE course or whatever.

35 MR PATERSON: Appropriate certificate may well be I suppose, of something like a year a semester or two's work. We do have - there are significant gaps in the training structure in this community services areas. We're not talking about a highly developed training culture and training structures such as would be found in more standard trades. The key -

COMMISSIONER GOZZI: Well I'm just sort of saying -

40 MR PATERSON: The key issue is, I think - has been for the union the situating an associate diploma without relevant experience at Class 2 at a 105 per cent. That has been what has really shaped the framework of the seven levels, where they come and how they fit together as a package. It's our observation as a union covering this union

nationally, that the significant characteristic of work in this industry - as was mentioned by Ms de Vries from the Migrant Resource Centre - is client contact at a very early - well at a very - at virtually the basic and entry level, the lowest levels of classification, I think we can expect to have a significant degree of client contact and the -

5

COMMISSIONER GOZZI: But the -

MR PATERSON: - structure of supervision and direction, the nature of work and how work is conducted -

COMMISSIONER GOZZI: Right.

10 MR PATERSON: - are key determinants which shape what might appear to be a higher than otherwise acceptable entry level at 90 per cent.

COMMISSIONER GOZZI: So, you think that a receptionist in this area ought to be able to earn the equivalent of a tradesperson's rate? what you're saying, if you take the Migrant Resource Centre, because that's - I'm sorry -.

15 MR PATERSON: Yes.

COMMISSIONER GOZZI: - I'm sorry, that's class 2 - that's up from class -

MR PATERSON: The Migrant Resource Centre position receptionist, in fact, would start at \$21,169 which is 95 per cent.

COMMISSIONER GOZZI: That's class 2, isn't it?

20 MR PATERSON: No, it would fall roughly between 90 - the start point of the receptionist as currently paid in the Migrant Resource Centre, would fall between - and I must say again that I guess we do need to clarify in these terms what we're talking about in terms of the relativity. The relativities I have reworked and notwithstanding the submissions of Mr Watson, I do have a document that was
25 provided by the TCCI and CSEOT which has a hundred per cent figure of \$425.20 and this position was reworked and the table at the back reflects that, so if we look back to a relativity of \$417.20, notwithstanding any submissions -

COMMISSIONER GOZZI: Where do I -

MR PATERSON: - at some other time -

30 COMMISSIONER GOZZI: Where do I look at that?

MR PATERSON: Well it's not here.-

COMMISSIONER GOZZI: Oh, I see, yes, right.

MR PATERSON: - in this document because this document was redrafted on the basis of what I believed was the position of \$425.20, but I do have a table in front of
35 me that does deposit \$417.20 as the 100 per cent level which puts - well it doesn't make a lot of difference in relativity terms. The \$21,000 is about 96, 97 per cent so the receptionist as the Migrant Resource Centre is currently paid at a level that starts at about 97 and goes to over 105 per cent or around 105 per cent. So, I'd suggest that those positions are in fact more responsible than their title would suggest, that the
40 responsibility to a large extent derives from client contact which is extensive, internal referral, which both in the case of the Migrant Resource Centre and Family Planning

we've heard that the first point of contact is required to make decisions with guidelines which are established, but decisions nonetheless about internal referrals.

5 COMMISSIONER GOZZI: Well I understood that to be that if somebody - as an analogy - if somebody phoned the Industrial Commission asking to speak to the Electoral Office, that the receptionist would say, 'Well, no, look, you are in the wrong place'. I mean, that's the sort of direction that I understood Mr Duncombe to be talking about.

10 MR PATERSON: But also to be able to choose when it is a matter that is dealt with by the organisation and then to make the appropriate appointment or set the appropriate procedures in place according to guidelines, and with the Migrant Resource Centre position it would be choosing between a number of positions, at least four or five in terms of somebody who required the services of one of their professionals, quote, unquote. So, I mean, the shape to this structure -

15 COMMISSIONER GOZZI: All right. I mean, the classification - I mean, just on the point of this anyway, the classification of people within these standards would be up to the people out in the field to classify them. I mean, what I'm really concerned with is to ensure that the classification standards and the rates attributed to them match. How people are classified ultimately is really a matter for people to work out and if there are any disputes about that well I guess I'll deal with that or with that aspect.

20 MR PATERSON: One of the -

COMMISSIONER GOZZI: Just on that point though, you know, I took particular note that receptionist and the HAAC admin assistant would both be classified Ms de Vries at class 2, and class 2 provides a range of -

MR PATERSON: 105 to 115.

25 COMMISSIONER GOZZI: - yes, from \$446.00 to \$489.00. I mean, that's for an assistant type role, it would be in roundabout \$25,000. I just wonder how that fits into the description.

30 MR PATERSON: The way I propose to deal with this issue here and tomorrow is essentially to firstly deal with the structure of the classifications and the key principles and concepts embodied in them and then tomorrow afternoon, to lead evidence from other awards and other regulated industries that may be comparable, although there is certainly a difficulty in identifying something within this jurisdiction that is exactly the same, but I intend to draw out from other restructured and appropriately constructed awards, various relativities which will support this position.

35 COMMISSIONER GOZZI: All right.

40 MR PATERSON: I mean, the principal issue in the first instance is the concepts embodied in the classification structure, particularly the characteristics, tasks, functions and responsibility. In the second instance, the alignment of qualifications and training to those characteristics, functions and responsibilities and it's the latter point where the union the employer position apparently diverges the most. I'd submit that notwithstanding whatever the employers will put on the basis of what I have as their position at a date past, our conceptual framework for 7-level structure is not widely divergent; the divergent lies in the alignment of qualifications and training to those seven levels by and large.

45 If I can quickly, in the time available, move through from level 1, but - well before moving off level 1, to note the characteristics of the responsibility, particularly the requirement for immediate supervision where the supervisor is available and

accessible and the constraints on initiative and discretion that flow from established practices and guidelines.

Class II -

5 COMMISSIONER GOZZI: Well, Mr - we're not going to get through from Class II to Class 7.

10 MR PATERSON: Well in that case I'm more than happy to leave it at that point but it at that point on saying that to a very large extent I believe the genesis of this position and the way in which I've framed it doesn't start from arguing Community Services Worker Class I, it's in effect a contingent entry level position that is in - just to a significant extent consequent upon other benches and points being tied up.

COMMISSIONER GOZZI: Which you'll -

15 MR PATERSON: But it is promoted as the entry level and as essentially the unqualified level, bearing in mind that it remains the union's submission that there ought be the provision for recognising equivalent skill levels that may not be attained through formal qualifications.

COMMISSIONER GOZZI: Alright, and you'll take me through those others tomorrow?

20 MR PATERSON: And I'll proceed to go through levels 2 to 7 tomorrow. We do have - or I have arranged for witnesses to come tomorrow at 10.30 and 12.00 so I'd propose that the - tomorrow morning's session be taken up essentially with those two witnesses. I'll return to the classification document and the arguments in terms of relativities after lunch tomorrow afternoon.

COMMISSIONER GOZZI: And given what we've achieved today, do you think you're going to get through?

25 MR PATERSON: I believe that's more than realistic depending on but it may not leave any time for any principal submissions by the Health Services Union tomorrow afternoon.

COMMISSIONER GOZZI: You are going to make some submissions, Mr Kleyn?

30 MR KLEYN: I was going to make some. I'm just wondering now whether - we indicated off the record the other day - or in conference the 12th October - is that still an available day or is -

COMMISSIONER GOZZI: I think so. I think that's there.

MR KLEYN: I mean I don't - certainly I don't see that as delaying the process at all.

COMMISSIONER GOZZI: Well did we go - I think we went to the 19th and 20th actually.

35 MR PATERSON: That's what -

COMMISSIONER GOZZI: We'll just go off the record for a moment.

OFF THE RECORD

COMMISSIONER GOZZI: These proceedings are adjourned till 10.30 tomorrow morning.

HEARING ADJOURNED