

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T No. 5963 of 1995

IN THE MATTER OF an application by the
Minister for Public Sector Management to
vary the Custodial Officers Award

re wage rates and classifications

COMMISSIONER IMLACH

HOBART, 8 December 1995

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: I'll take appearances.

MS L. LAWRENCE: If the commission pleases, LEANNE LAWRENCE, appearing with **MR BEN MARIS**, for the Minister for Public Sector Management.

COMMISSIONER IMLACH: Thank you.

5 **MR P. NIELSEN:** Mr Commissioner, If the commission pleases, my name is NIELSEN P. and I appear on behalf of the Tasmanian Correctional Officers' Association, along with the secretary, **MR TIM WEIR** and the President, **MR JOHN McGUIRE**.

COMMISSIONER IMLACH: Thank you.

10 **MR R. CLEGG:** If the commission pleases, I appear for the Community of Public Sector Unions, State Public Services Federation of Tasmania, CLEGG R.

COMMISSIONER IMLACH: Thank you. Now, Ms Lawrence.

MS LAWRENCE: Thank you, Mr Commissioner.

15 The application before you, Mr Commissioner, is a consent matter and is as a result of negotiations between the Department of Justice and the Tasmanian Correctional Officers' Association.

The application seeks to insert some of those matters contained in an agreement made under the auspices of the State Service Wages Arrangement which has been approved by government into the Custodial Officers Award.

20 Before I go any further, Mr Commissioner, it may be an idea to seek leave to vary the original application and submit a fresh copy which contains the changes referred to in the letter sent to you by the Public Sector Management Office.

COMMISSIONER IMLACH: We will call this L.1.

25 MS LAWRENCE: There are two changes, Mr Commissioner, in this document. Firstly, on the second page of the document at level 6 and the salary in the first column. It should now read '\$32,250' instead of '\$31,935' as in the original application; and the next salary across in the next column should now read '\$32,702' instead of '\$32,328' as in the original application.

30 COMMISSIONER IMLACH: And you formally seek to amend your application, do you?

MS LAWRENCE: Yes.

COMMISSIONER IMLACH: What do you say to that, Mr Nielsen?

MR NIELSEN: Yes, we concur with that, Mr Commissioner.

COMMISSIONER IMLACH: Mr Clegg?

35 MR CLEGG: We don't have a problem with that, Mr Commissioner.

COMMISSIONER IMLACH: Right. I endorse the amendment.

MS LAWRENCE: Thank you. If the commission pleases, I will now go through the application as amended.

The variations sought begin at Clause 8 - Salaries. Two new classifications entitled 'Utility Officer' and 'Senior Utility Officer' are to be inserted into the award. These new classifications will now be the new levels 1 and 2 of the award. As a result, the old level 1 Custodial Officer classifications now start at level 3, and the rest of the clauses have been renumbered to accommodate the new levels.

This restructuring will not affect existing career paths as movements between the levels is by appointment only.

The two new levels in the award, levels 1 and 2, will be filled by persons currently classified as drivers and senior drivers under the General Officers Award.

10 These new positions involve a wider range of tasks than the current drivers' positions to include custodial tasks.

In acknowledgment of the increased responsibility of these positions the utility officer classification will be increased by \$2,233 per annum which gives a salary of \$24,891.

15 The senior utility officer classification will be increased by \$1,721 per annum, which gives a salary of \$26,126.

You will also notice, Mr Commissioner, that at level 7 in the application the position of unit manager now exists.

Two unit managers will now replace the two chief custodial officers previously appointed at level 5 under the existing award.

20 In acknowledgment of efficiencies gained through negotiation the salary level of each existing classification in the award is to be increased by \$1,264 per annum. This flat dollar increase represents a share in the annual savings of the prison distributed amongst employees regardless of classification or years of service.

COMMISSIONER IMLACH: What was that amount again?

25 MS LAWRENCE: \$1,264.00 per annum.

COMMISSIONER IMLACH: A nice figure.

MS LAWRENCE: Okay. You will also note, Mr Commissioner, that the superintendent Risdon Prison classification has been removed as the functions of this position have been subsumed by the chief superintendent.

30 COMMISSIONER IMLACH: What was that position?

MS LAWRENCE: Superintendent, Risdon Prison.

COMMISSIONER IMLACH: And been taken over by?

MS LAWRENCE: Chief Superintendent.

COMMISSIONER IMLACH: Thank you.

35 MS LAWRENCE: That's about it for the changes relating to classifications and new positions.

Most of the remaining changes relate to making the award a more relevant and readable document.

The next change occurs in Clause 17 - Qualifications in order to correct a typographical error in the custodial officers' section in the second paragraph so that it reads, 'If such an opportunity does not occur within that period such an employee will be paid from the 5 years anniversary date as a custodial officer first class', and not fifth class, as it currently reads.

COMMISSIONER IMLACH: That's unfortunate, isn't it?

MS LAWRENCE: That's unfortunate.

Also in clause 17 but under the Chief Custodial Officer heading in the last paragraph, the words, 'and successful completion of an approved chief custodial officer's course an examination' are to be removed.

On to Clause 18(d)(1) - Overtime, the word 'reach' in the first paragraph is to be changed to 'each', which is another typographical error.

On to Clause 19 - Wage Increases, subclauses 19(1)(a)(b) and (c) are to be deleted and the clause will now consist of only the last sentence referring to the State Service Wages Arrangement.

COMMISSIONER IMLACH: And why is that?

MS LAWRENCE: Those references to the percentage increases have now been made redundant as they are either contained in the new salary columns in clause 8 under the proposal or have already been paid to employees.

COMMISSIONER IMLACH: Right.

MS LAWRENCE: That covers the variations being sought.

In conclusion, Mr Commissioner, the management of the prison and the union have developed a positive working relationship through the development of these matters.

The inclusion of the provisions into the award will provide the parties with certainty and a firm foundation for continuing discussion on workplace reform.

The minister submits that the content of this application is consistent with the wage fixing principles established in T. No. 5214 of 1994.

It is in the spirit of enterprise flexibility and enterprise bargaining and another positive step in the award restructuring process and, certainly, it is in the public interest to have an award which is more readable and which accurately reflects the needs and the status quo of the prison system in Tasmania.

If the commission pleases.

COMMISSIONER IMLACH: Yes. Thanks, Ms Lawrence. Just one point, you didn't tell me the reason, I don't think you did, for the deletion of the chief - that clause there, 'and successful completion of an approved course'.

MS LAWRENCE: Right. That's clause 17, the chief custodial officers' clause re examination.

COMMISSIONER IMLACH: Yes.

MS LAWRENCE: I think the parties agreed that the selection based on - or the award still provides for selection based on qualifications and experience - and the parties would deem that to be appropriate.

COMMISSIONER IMLACH: Right. So it is deemed no longer relevant? How's that?

5 MS LAWRENCE: That's right. Thank you, Mr Commissioner.

COMMISSIONER IMLACH: Thank you, Ms Lawrence. Mr Nielsen.

MR NIELSEN: Mr Commissioner, I don't wish to delay the proceedings of the commission. It's only to report that it is my understanding the PSMO has accepted and agreed to these applications, but the Secretary, Mr Tim Weir, that played a very major role would like to address the bench briefly.

COMMISSIONER IMLACH: Thanks, Mr Nielsen. Mr Weir.

MR WEIR: Thank you, Mr Commissioner.

Mr Commissioner, my association received the application to vary the Custodial Officers Award in accordance with section 21(1) of the act, and in reading the application we noted the errors that Ms Lawrence has mentioned, and in discussion with the State Manager, Mr Byers and with the Public Sector Management Office we have had those rectified, as you can see.

This agreement has come about through many months of discussion and consultation and the implementation of this new 56 week roster with the staffing establishment of 119 full-time employees best utilises the manpower available to allow the prison to function in a safe and efficient manner.

Further, I am able to report that our association executive committee and the members of our association have agreed with the application that has been presented by the Public Sector Management Office this morning, and we have no objection.

25 If it pleases the commission.

COMMISSIONER IMLACH: Yes. Thanks, Mr Weir. Mr Clegg.

MR CLEGG: I have nothing further to add, Mr Commissioner, except that we support this application.

COMMISSIONER IMLACH: Thanks, Mr Clegg.

30 Just one small incidental item, Ms Lawrence, is that 56 week roster the one that I would know all about, is it?

MS LAWRENCE: Mr Maris is going to answer that.

MR MARIS: Commissioner, the roster which you would be more familiar with is an 84 week roster. There has been considerable discussion which has led to the revision of this.

COMMISSIONER IMLACH: I know that in my past life I am used to a 56 week roster, which was a pretty good one. That is all I am saying. It is incidental, really.

MR MARIS: Mr Commissioner, I am unable to advise you on your past life.

COMMISSIONER IMLACH: Is it 4 weeks leave every 6 months, roughly speaking? Is that so, Mr Weir?

MR WEIR: Yes, it is, Mr Commissioner. There is no change to the leave provisions. It is just a better utilisation of the roster, and no other provisions are lost.

5 COMMISSIONER IMLACH: What, you have already been having 4 weeks leave every 6 months approximately?

MR WEIR: Yes, we have.

COMMISSIONER IMLACH: In an 84 week roster?

MR WEIR: That's right, Mr Commissioner?

10 COMMISSIONER IMLACH: Highly technical, I see.

All right. Thank you very much all sides.

I indicate now this application will be endorsed. From what operative date, Ms Lawrence?

15 MS LAWRENCE: Yes, that is something I didn't mention. We would request that the operative date be as dated in the application in the first column, the 15th of November.

COMMISSIONER IMLACH: And what do you say to that, Mr Weir?

MR WEIR: We concur with that, Mr Commissioner.

COMMISSIONER IMLACH: So the parties are telling me they want it from that date, is that so?

20 MR WEIR: That's correct.

COMMISSIONER IMLACH: Right. So we will make it that date - the 15 November '95 - by consent.

25 Right, I indicate now the application will be granted, operative from the agreed date. One final technicality - is that the first full pay period commencing on or after. or is it the date itself?

MR WEIR: From the date itself, Mr Commissioner.

COMMISSIONER IMLACH: And what do you say to that, Ms Lawrence?

MS LAWRENCE: Well, the application actually states the 15th of November, so the actual date, yes.

30 COMMISSIONER IMLACH: That's what it says. That is what it shall be.

MS LAWRENCE: Thank you.

COMMISSIONER IMLACH: Thank you. This matter is closed.

HEARING CONCLUDED