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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 2316 of 1990

IN THE MATTER OF an application by
the Metals and Engineering
Workers' Union to vary the
Surveyors (Private Industry) Award

re initiation of a program to
restructure the award

T No. 3435 of 1991

IN THE MATTER OF an application
by the Metals and Engineering
Workers' Union to vary the
Surveyors (Private Industry) Award

re persons employed in surveying
duties and other associated duties

COMMISSIONER GOZZI

HOBART, 2 July 1992
Continued from 14/2/92

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: Any changes of appearances in the first matter? And what about the second one, no changes in appearances? I did not think so. Mr Abey or Mr Baker, where are we at?

MR ABEY: Thank you, Mr Commissioner. I suspect the commission is going to be surprised that we come here today and say that we have the bones of an agreement.

COMMISSIONER GOZZI: Only the bones?

MR ABEY: Oh -

COMMISSIONER GOZZI: I thought there would be -

MR BAKER: Well, there is a little bit of flesh on it, sir.

MR ABEY: If I can perhaps hand up a document.

COMMISSIONER GOZZI: It is that long ago, I do not know what exhibit number we are at. Perhaps if I just mark that exhibit A.1.

MR ABEY: In that we have - we have basically got an agreement and if I can go ahead of myself a little bit, it is proposed that the new structure would take effect with the first MRA from 1 September and we would propose that in the immediate future we convert this outline into a draft order subject to the commission's acceptance.

If I can briefly explain where we are at. The first page of it sets out the outline of the structure which is how it will appear at the end of the MRA process.

COMMISSIONER GOZZI: Right.

MR ABEY: Now, this has been a very difficult exercise, given the nature of the industry, and it was only a matter of this week that we managed to get our mind around it. It is - when you look at it it is not unique in that the model in large measure follows the sort of metal industry style when you get beyond the 100 per cent level, in that the progression is based in five - in 5 percentage intervals up to 115 and then it goes to 125.

Progression between the 105, 110, 115, will be dependant upon the acquisition of successive modules in the associate diploma course, in particular. One hundred and five representing 3, 106 representing 6 - 110 representing 6 and 115 representing 9, and so on. The graduate entry point for the 4-year graduate - and that is all we are talking about, there are only 4-year graduates - will be at 130 per cent.

COMMISSIONER GOZZI: Right.

MR ABEY: The -

COMMISSIONER GOZZI: What rate is that, 130 per cent in this model here?

MR ABEY: Twenty eight thousand, two hundred and two.

COMMISSIONER GOZZI: Yes, right. And is there an automatic progression for that graduate?

MR ABEY: No.

COMMISSIONER GOZZI: No, right.

MR ABEY: There is a - that was, as you would be aware, the biggest difficulty we had trying to get this graduate entry point correct.

COMMISSIONER GOZZI: Right.

MR ABEY: And I will come to the phasing in arrangements in a moment. There is no automatic progression anywhere in the scales, save and except at C.2. and C.7. Now -

COMMISSIONER GOZZI: Oh, right.

MR ABEY: - C.2. is essentially the person who has not got any formal qualifications but has more than likely embarked on some sort of technical training course but has not actually qualified in any area.

COMMISSIONER GOZZI: Right.

MR ABEY: The C.7 level is in essence the holder of an associate diploma together with 4 years practical experience. And there is provision in - at the C.7 level for a person who may hold the associate diploma but has no experience. In other words has done full-time and is straight from school, or whatever. In which case they will come at that C.7 item 2 level.

COMMISSIONER GOZZI: Right. So, item 1 is 4 years experience?

MR ABEY: Yes, that is right.

COMMISSIONER GOZZI: That is the end of the rung there?

MR ABEY: Yes.

COMMISSIONER GOZZI: Yes. And without experience would go through the rung for - on commencement -

MR ABEY: That is correct.

COMMISSIONER GOZZI: Right.

MR ABEY: Now, those two areas are the only areas where there is automaticity. Now, there will be some further steps to add at the end of C.9 going into the higher professional levels but I do not envisage any difficulty in putting those together, they have never been a problem.

COMMISSIONER GOZZI: No.

MR ABEY: It has only been in this graduate area, in particular, that there has been a problem. If I may go over the next three pages until we come to the definitions -

COMMISSIONER GOZZI: Right.

MR ABEY: - and I believe these are fairly self explanatory. The survey hand is what you might consider to be the old chainman style classification. C.2. technical assistant is someone, as I say, who has more than likely commenced some sort of formal training. Survey technician, this is where you get into the associate diploma modules, and there is three levels of the trainee survey technician all based on modules; level 1, level 2 and level 3.

And so on. I think the definitions, sir, are fairly self explanatory. Now, if I may take you to - I think these pages have got slightly out of order - I think it would probably be the second page headed up: MRA Schedule.

COMMISSIONER GOZZI: Yes.

MR ABEY: You will note that if, for example, you go to the item, survey technician senior part-time party leader -

COMMISSIONER GOZZI: Right.

MR ABEY: - which in fact is the graduate entry point, you will note that the total adjustment is nearly \$7000. And the levels beyond that are also very significant in dollar terms although not quite as dramatic. It has been agreed that for those substantive increases the phasing in will be at 12-monthly intervals rather than 6 monthly, commencing on 1 September. Below that graduate entry point we would envisage that the phasing in would be at 6-monthly intervals.

COMMISSIONER GOZZI: Right.

MR ABEY: As I say, there is still a little bit of fine tuning to be done, but we do not envisage any difficulties from here and we would anticipate being able to present you with a draft order within the next fortnight to take effect from 1 September. If the commission pleases.

COMMISSIONER GOZZI: Yes. Mr Abey, the - they are significant increases and so a graduate entry and above, the first MRA 1741 -

MR ABEY: Yes.

COMMISSIONER GOZZI: - would apply from 1 September and then the rest of it over three years?

MR ABEY: That is correct.

COMMISSIONER GOZZI: The next three years. How did you come up with the 28,202? Simply by saying - agreeing 100 - on the 100 per cent rate?

MR ABEY: One hundred and thirty per cent of 417.20.

COMMISSIONER GOZZI: Yes, it works out exactly on that basis.

MR ABEY: It seems to be - I hate to say it but it seems to be almost set in concrete now that that is the established 4-year graduate entry point across awards. And so we have finally accepted that but recognising that it will have a significant cost impact at the graduate entry point. It is not a problem a year or two down the track but at the actual graduate entry point it will be. And that is why we have adopted the 12-monthly phasing in.

COMMISSIONER GOZZI: And the industry are pretty happy with that?

MR ABEY: Ah, well -

COMMISSIONER GOZZI: Well, they accept it, put it that way.

MR ABEY: - they accept it.

COMMISSIONER GOZZI: Yes. Yes, I remember in the public sector case there was loud condemnation about the graduate entry point being round about that figure. But I think the reality is that by and large that is the going rate.

MR ABEY: Well, there have certainly been decisions in recent months which have tended to confirm that. I guess it is a matter of accepting the inevitability.

COMMISSIONER GOZZI: So, an above - a below graduate entry point, you are saying 6 month adjustments?

MR ABEY: Yes, I think below that it would be manageable at 6-monthly intervals.

COMMISSIONER GOZZI: Right. All right, thanks Mr Abey. Mr Baker?

MR BAKER: Well, I would support the comments made by Mr Abey. It has been a long, hard road but I think we finally got there. The - just one thing in relation to the MRA, I would support the comments made by him in relation to the phasing in period. But I just, sort of, would note on the record that the current - what is proposed for the - the salary for the professional surveyor in the structure is in fact less than what is currently paid in the award now.

COMMISSIONER GOZZI: Oh, which one is this for?

MR BAKER: The professional surveyor, the 160 per cent mark. Because of the - the proposal and that is why we need to address the additional figures at the top end of the structure -

COMMISSIONER GOZZI: Right.

MR BAKER: - that figure of 160 per cent, which is \$34,710 is currently round about \$1300 less than what a professional surveyor would have earned under the existing award. So when we come to do - fix up the - give you a draft order there may need to be some fine tuning of that MRA schedule insofar as it relates to the professional surveyor. Because, you know, in fact the - an occupant at that level is already in receipt of the maximum of the MRA.

COMMISSIONER GOZZI: Well, I mean, I suppose that is for you and Mr Abey to talk about.

MR BAKER: Yes.

COMMISSIONER GOZZI: But I thought that this was agreed. Obviously somebody who is in excess of what is contained in exhibit A.1. then normally they would just be in a holding situation, would not they?

MR BAKER: Yes, well we need - as I said, we need to, sort of, just fix it up with the draft order. But I just bring that to the attention of the commission.

COMMISSIONER GOZZI: Right.

MR BAKER: As far as the 6 and 12 months is concerned, insofar as the MRAs are concerned, we do not have a difficulty with that. We will lodge an application to vary the award each 6 months in accordance with the National Wage Case

decision and we will process it through until finality. As I said, it has been a long and tedious exercise, one might say, but I think we are there, we have a document that is agreed between us. And as Mr Abey has said, we will submit a draft order to you in the next couple of weeks. And subject to your endorsement, you will be able to close the file.

COMMISSIONER GOZZI: Yes, I will look forward to that. Now, are you saying to me that you want me to list it again or simply to endorse - ask me to endorse this now and you will give me a draft order?

MR BAKER: I think if that is - the latter is the way to go, sir. I do not see that there is much point in coming back, having another hearing.

COMMISSIONER GOZZI: What about the C.9 part?

MR ABEY: I beg your pardon?

COMMISSIONER GOZZI: The C.9. level that Mr Baker just foreshadowed?

MR BAKER: Well, I think what we would do - I mean, obviously we would have to suggest to you that - one of two things. Either that there be some note passed in the award to hold those people against the existing salary or alternatively apply the MRA in its totality in one hit.

COMMISSIONER GOZZI: Well, how do I endorse that without a hearing?

MR BAKER: Well, I would suggest to you that you the existing guidelines, because what it talks - the decision -

COMMISSIONER GOZZI: No, I mean ahead of you agreeing it?

MR ABEY: Well, I mean, I am quite relaxed about. It is - you know, if it needs another hearing then so be it, but I was hoping -

COMMISSIONER GOZZI: I do not particularly want one, I am just simply -

MR ABEY: No, I was hoping, you know, that an alternative might be that we could just have a drafting conference on it. I do not think it is an issue of substance.

COMMISSIONER GOZZI: Well, fair enough, I will take that - yes. I do - I am quite happy to accept that on the basis of if there is some problem well we can take it from there. I just do not want to get into a situation where I am endorsing something which is really in need of arbitration further down the track. I mean, if I can close the - I am not going to

close the proceedings in endorsing this if there is an issue outstanding. I mean you -

MR BAKER: I do not -

COMMISSIONER GOZZI: - you would know better than me, of course, whether or not you will be able to -

MR BAKER: - I do not see -

COMMISSIONER GOZZI: - sort it out.

MR BAKER: - I do not see that there is going to be an argument on it. I mean, Tim and I will prepare a draft order which we will give you -

COMMISSIONER GOZZI: All right.

MR BAKER: - and we will put our minds to it and deliver the package.

COMMISSIONER GOZZI: All right. Fair enough. Well, with regard to that schedule then, exhibit A.1., I will endorse that as submitted and I note that C.9 is still to be finalised. The operative date will be from the first pay period beginning on or after 1 September 1992 and the order will issue in due course. If you can let me have an order as soon as you possibly can then we can deal with it in one hit and make the appropriate variation.

Now, just one other thing. The application that we have just discussed was joined with your application, Mr Baker -

MR BAKER: Yes.

COMMISSIONER GOZZI: - T.3435. Now, what is happening there? T.3435 was to amend the scope clause of the award, as I understand it.

MR BAKER: That is correct, sir, to include photogrammetry.

COMMISSIONER GOZZI: Right. So, is that the only variation?

MR BAKER: That would be the only variation, yes, sir. The application was made - I mean, at the present time there is actually no private surveyors who actually work in the craft of photogrammetry. It is only performed by the Lands Department in a very limited sphere, but the principal company which uses the photogrammetry techniques is the Hydro Electric Commission.

There is some doubt in the future as to whether the commission will in fact continue to perform those functions and they will be, in fact - that division of the commission's activities

may, in fact, be sold to private enterprise. It was with that in mind that we made the application in the event that that occurred, that those people would be encompassed by the award.

COMMISSIONER GOZZI: Right.

MR BAKER: At this time it does not appear as that - that that will be the situation. I should point out, though, that at the moment the HEC does engage contractors, that is people who are employed as a surveyor, to work within the ambit of their employment -

COMMISSIONER GOZZI: Right.

MR BAKER: - and they are in fact, of course, paid rates taken either from the Draughting and Technical Officers Award or the Surveyors (Private Industry) Award.

COMMISSIONER GOZZI: right.

MR BAKER: At this stage, sir, I think it would be appropriate if the file was closed and pending any developments which may occur in that - in the privatisation of the commission's activities, that we would relist the matter at a future date. Because at the present time, as I have indicated, there is actually no private surveyor engaged actually in the work of photogrammetry.

COMMISSIONER GOZZI: Fair enough. Yes, then the application really - you would need to put a definition into it which is not included here. So, having heard what you have said, I will close that file and I will await the draft order in respect of what we discussed previously. These proceedings are concluded. Congratulations.

HEARING CONCLUDED