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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

MS D M LINNANE, Vice President
MR D L O'CONNOR, Deputy President
MS G K FISHER, Commissioner

No AR4 of 2013

INDUSTRIAL RELATIONS ACT 1999

S130 – REVIEW OF AWARDS

INDUSTRIAL RELATIONS ACT 1999

BRISBANE

11.38 AM, MONDAY, 4 NOVEMBER 2013

Continued from 30.10.13

DAY 3

FULL BENCH

**RELEASED TO
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Date: 4 November 2013

Attachments - NO

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THE COMMISSION RESUMED

[11.39 am]

THE VICE PRESIDENT: Thank you. I'll take appearances.

5

MS D. RALSTON: Good morning. My name's Deborah Ralston and I appear on behalf of Together Queensland Industrial Union of Employees.

THE VICE PRESIDENT: Thank you.

10

MR J. MARTIN: If it please the Commission, my name is Martin, initial J. I appear for the Queensland Council of Unions, for and on behalf of affiliated unions.

THE VICE PRESIDENT: Thank you.

15

MS C. NARANJA: If it pleases the Commission, my name is Naranja, initial C, and I appear for the Queensland Nurses' Union of Employees. Can I raise a preliminary matter?

20

THE VICE PRESIDENT: Well, wait till we take appearances first, unless there's some objection to you appearing?

25

MS NARANJA: Well, it's in relation to our presence here because in the written submission we sought permission to become a party. We haven't received any formal response in relation to our request. We are here under the assumption that we have been accepted as a party.

30

THE VICE PRESIDENT: You can be heard. There's no parties, really, but you can certainly be heard in the matter.

MS NARANJA: Thank you.

THE VICE PRESIDENT: Thank you. Yes.

35

MR N. HENDERSON: If it pleases, Henderson, initial N, I appear for the Queensland Services Industrial Union of Employees.

THE VICE PRESIDENT: Thank you.

40

MR P. ELTON: And good morning Commissioners, it's Eldon, initial P, appearing on behalf of the Australian Workers Union of Employees Queensland.

THE VICE PRESIDENT: Thank you.

45

MR T. O'BRIEN: My name's O'Brien, initial T, and I appear on behalf of the Construction, Forestry, Mining and Energy Industrial Union of Employees Queensland.

THE VICE PRESIDENT: Thank you.

MR G. WALLACE: And may it please the Commission, my name is Wallace,
initial G, appearing for the Public Service Commission or PSC on behalf of the
5 Queensland Government.

THE VICE PRESIDENT: Thank you. I might just mark the further submissions
that we've received. We received submissions from Together Queensland which I'll
mark as K.
10

EXHIBIT #K ADMITTED AND MARKED

15 THE VICE PRESIDENT: The Queensland Nurses' Union which I will mark as L.

EXHIBIT #L ADMITTED AND MARKED

20 THE VICE PRESIDENT: Queensland Services Industrial Union of Employees
which I will mark as M.

25 **EXHIBIT #M ADMITTED AND MARKED**

THE VICE PRESIDENT: United Fire Fighters Union of Employees which I will
mark as N for Nelly.
30

EXHIBIT #N ADMITTED AND MARKED

35 THE VICE PRESIDENT: United Voice Industrial Union of Employees which I will
mark as O.

40 **EXHIBIT #O ADMITTED AND MARKED**

THE VICE PRESIDENT: Australian Workers Union of Employees Queensland
which I will mark as P.

45 **EXHIBIT #P ADMITTED AND MARKED**

THE VICE PRESIDENT: I think it's correspondence from the Association of Professional Engineers, Scientists and Managers Queensland which supports the submission of Together Queensland. Public Service Commission - sorry, Public Service Commission which I will mark as R.

5

EXHIBIT #R ADMITTED AND MARKED

10 THE VICE PRESIDENT: And the Queensland Teachers' Union which I will mark as S.

EXHIBIT #S ADMITTED AND MARKED

15

THE VICE PRESIDENT: Is there any other submissions that we haven't received that other people have received?

20 MR WALLACE: Vice-President, I haven't received some of those submissions myself.

THE VICE PRESIDENT: Haven't you?

25 MR WALLACE: No.

THE VICE PRESIDENT: Okay.

30 UNIDENTIFIED SPEAKER: So I've got one from Together Queensland, obviously it's - - -

THE VICE PRESIDENT: Sorry, who have you got it from?

35 MR WALLACE: I've got one from Together Queensland.

THE VICE PRESIDENT: Yes, okay.

MR WALLACE: I've got one from United Voice.

40 THE VICE PRESIDENT: Yes.

MR WALLACE: Queensland Teachers' Union, Queensland Services Union and Queensland Nurses' Union - - -

45 THE VICE PRESIDENT: Yes.

MR WALLACE: - - - as well as the AWU. There's some stuff also from the - - -

THE VICE PRESIDENT: Okay. There's United Fire Fighters.

MR WALLACE: No, I haven't received that.

5 THE VICE PRESIDENT: Has anybody else not got Fire Fighters? You haven't got fire fighters either?

MR O'BRIEN: No, that's - that's correct, I don't have a copy.

10 MS NARANJA: We don't have a copy either?

THE VICE PRESIDENT: Sorry?

15 MS NARANJA: We don't have a copy.

THE VICE PRESIDENT: Three, okay. And Association of Professional Engineers, Scientists and Managers - - -

20 MR WALLACE: Yes.

THE VICE PRESIDENT: - - - they - they simply indicated that they would support - it's an email - - -

25 MR WALLACE: Yep.

THE VICE PRESIDENT: - - - saying, "The Association" - an email of the 10th of October - "will be unable to attend the hearing as I've liaised with the Queensland Council of Unions" - sorry, I said the - Together Queensland, it's the Council of Unions, I think, "I have liaised with the Queensland Council of Unions. In relation to our further submission Together Queensland Industrial Union of Employees and the Association will support the submission of Together Unions on this matter".

30 MR WALLACE: Thank you. I suppose that's - - -

35 THE VICE PRESIDENT: That's the extent of that one.

MR WALLACE: That's fine. Thanks Vice-President.

40 THE VICE PRESIDENT: Okay. Yes, Ms Ralston.

MS RALSTON: Thank you. For the purposes of this matter we have provided a response to the material that was lodged by the Public Service Commission, which is K. We weren't going to address that material any further. I presumed that the PSC may wish to make some submissions around the content of that material and then we would reserve our right to make a response in relation to that.

45 THE VICE PRESIDENT: Sorry? So - okay, happy with that.

MR WALLACE: So thank you, members of the Bench. Firstly, I want to flag to the Bench that I have some comments that I have been instructed to make in relation to the utility of this matter progressing, but as the parties have been called here today to progress the matter I might save those comments to the end and just proceed with my verbal submissions in relation to the matter proper, if that's okay with the Commission?

THE VICE PRESIDENT: That's fine.

MS RALSTON: Can I just confirm at the end means at the end of your submissions now, not after we've made our response?

MR WALLACE: I'm - either way. I can do it at the end of my submissions now, if that makes it easier for the unions?

MS RALSTON: Yes, we'd like to hear them.

THE VICE PRESIDENT: Well, I - yes, okay.

MR WALLACE: Is that okay Vice-President?

THE VICE PRESIDENT: Yes, that's okay.

MR WALLACE: So in relation to the written submissions tendered by the PSC on 30 January of this year, the PSC has nothing more to add in relation to those particular submissions. The PSC's view is as set out in those written submissions and the PSC strongly encourage the Bench to take cognisance of that view in it's considerations of this matter.

In relation to the written submissions tendered by the PSC most recently on 30 August of this year in response to an offer from the Full Bench to raise other matters the relevant parties wish to have dealt with as part of this award review process, I don't intend to read through the entire tendered written submissions in verbatim today. I would, however, like to make a couple of contextual comments which I hope will clear up some apparent confusion which arose at the hearing on 19 July 2013.

Firstly, we are of the view that provisions of certified agreements as they relate to Public Service Directives are outside the scope of what the PSC understands is typically - thank you - considered as part of an award review process. The 30 August written submissions do not make any reference to provisions of certified agreements as they relate to Public Service Directives and it is not the PSC's intention to use this award review process to alter such provisions of certified agreements.

Secondly, the PSC is not proposing that the Full Bench make obsolete clauses contained in State Government awards which by virtue of the award clause alone applies a directive to those employees in toto or partially covered by the award. If it pleases the Commission I can provide an example of the particular type of State

Government award clause I'm referring to in this instance as well as a copy of the later Ministerial Directive.

THE VICE PRESIDENT: Certainly. Thanks. Yes.

5

MR WALLACE: So hopefully this example provides some further clarification as to what the 30 August written submissions are seeking to do and what those submissions are not seeking to do. So the award you have in front of you is a Legal Aid Queensland Employees Award State 2012 and the particular clause I've
10 highlighted relates to locality - relates to the Locality Allowance Directive.

As I am sure the Full Bench is aware, the Public Service Act 2008 provides that both the PSC Chief Executive and the Industrial Relations Minister are able to issue directives in relation to the remuneration and employment conditions of Public
15 Service employees. However, employees of some Queensland Government entities such as Legal Aid Queensland whose employees are covered by the Legal Aid Queensland Employees Award State 2012 are not Public Service employees; rather, Legal Aid Queensland employees are engaged under a separate piece of legislation the Legal Aid Queensland Act 1997.

20

That legislation expressly provides that such employees are not engaged under the Public Service Act 2008, that is they are not Public Service employees. As such the Locality Allowance Directive as a stand alone instrument does not apply to employees of Queensland Government entities such as Legal Aid Queensland, this is
25 because such employees fall outside of the jurisdiction of the PSC Chief Executive and Industrial Relations Minister insofar as the application of directives.

That said, over the years Queensland Government entities such as Legal Aid Queensland along with the unions and employees have obviously expressed a mutual
30 desire to apply the conditions and benefits contained within certain directives such as the Locality Allowance Directive to employees of Queensland Government entities such as Legal Aid Queensland who are not Public Service employees. In order to legitimately do so the parties have obviously sought the blessing of the QRC to incorporate, for example, the high low locality allowance clause in the Legal Aid
35 Queensland Employees Award State 2012.

As a consequence of doing so the award clause by itself applies the directive to those employees in toto or partially covered by the award in question. The directive as a stand alone instrument continues to not apply to employees as a consequence of the
40 employees in question not being engaged under the Public Service Act 2008. To that end the high low Locality Allowance Clause in the Legal Aid Queensland Employees Award State 2012 effectively provides directive benefits to Legal Aid Queensland employees which they would otherwise not be entitled to if that clause did not exist.

45

Consequently the PSC can understand an argument that the removal of that particular clause from the Legal Aid Queensland Employees Award State 2012 would

effectively reduce the award entitlements of employees covered by that award. It's not the intent of the PSC as part of the 30 August written submissions to seek the abolition of clauses contained in State Government awards which by virtue of the award clause alone applies a directive to those employees in toto or partially covered
5 by the award.

Our 30 August written submissions are focussed solely on those State Government awards which apply to Public Service employees and those clauses contained within those awards which (A) refer the reader of the award to a directive of the Industrial
10 Relations Minister or PSC Chief Executive in relation to a particular industrial matter so, for example, overtime meal allowance, and do not - and (B) do not by virtue of the award clause alone apply the relevant directive to those employees in toto or partially covered by the award.

Our intent of the 30 August written submissions is to bring to the attention of the Full Bench the PSC's desire for the Full Bench in conjunction with the parties to undertake a process by which they identify and make obsolete those clauses contained in State Government awards applying to Public Service employees. Our
15 view is that those particular award clauses serve no other function than to simply act as a signpost for readers of the award to point the reader to the directive of the Industrial Relations Minister or PSC Chief Executive which relates to the particular industrial matter specified in the award clause.
20

Now signpost award clauses such as those identified in attachment A to the written submission do not by virtue of award clause itself make the relevant directive
25 applicable to Public Service employees in toto or partially covered by award in question, the related directive performs that function through the application clause of the individual directive. Now I have other examples of such signpost award clauses contained in State Government awards applying to Public Service employees
30 which I can provide the Bench with, if it pleases the Commission.

THE VICE PRESIDENT: I will mark that last one, the three documents T.

35 **EXHIBIT #T ADMITTED AND MARKED**

THE VICE PRESIDENT: Thank you.

40 MR WALLACE: So just to provide you, the Bench with a brief description in terms of what I've just handed up, there's four awards there and provisions of awards, they're the awards from Employees and Direct Client Services, Conservation, Parks and Wildlife Employees Award, Employees of Queensland Government
Departments other than Public Service Award, and the Forestry Employees Award
45 Department of Agriculture, Fishery and Forestry, and as you will see in the content of those documents, I've just highlighted where it makes reference to particular

industrial matters and then subsequently contains a signpost award clause just as a further example for the Bench.

THE VICE PRESIDENT: I will mark that bundle U.

5

EXHIBIT #U ADMITTED AND MARKED

10 MR WALLACE: So the removal of such signpost awards clauses would not stop
the respective directive from applying to those Public Service employees covered by
the award in the directive. Again, this is because the directive itself performs the
function of applying the directive to certain Public Service employees and not other
public service employees, not the signpost award clause in question. As a
15 consequence of such signpost award clauses not providing any industrial benefits to
Public Service employees in toto or partially covered by the State Government
awards which the signpost award clause is contained within, the removal of such
signpost award clauses would not and cannot be considered to be reducing Public
Service employees' award entitlements.

20

So unless it's the intention of the QRC to make awards a current road map or index
of all employee entitlements which the PSC would warn is fraught with maintenance
problems, the PSC is of the view that signpost award clauses and State Government
awards should be collectively identified by the parties and made obsolete by this Full
25 Bench. This view is in line with the Queensland Government's exception -
acceptance of a Commission of audit recommendation that awards should continue to
provide the basis for public sector wages and conditions, but only in relation to
matters not covered by legislation or Public Service Directives.

30 To that end the PSC stands willing and ready to assist the parties in determining and
participating in an appropriate process to make obsolete signpost award clauses
contained in State Government awards. May it please the Commission.

THE VICE PRESIDENT: Thank you. You were going to address us on the futility,
35 I think, of the - of those applications.

MR WALLACE: Happy to do so Vice-President. So for the members of the Bench
I would like to reiterate and respectfully put on record the PSC's view that the
Commission should as of today stop dealing with matter number AR 2013 4 and
40 refer the matter on to be considered as part of the award modernisation process to
commence in the New Year. Now clause 8212 of the proposed Industrial Relations
Fair Work Harmonisation Number 2 and Other Acts Amendment Bill 2013, that is
The Bill, provides that if the Commission amends an award under section 1251 of the
IR Act on or after the introduction date, so that's the 17th of October 2013, and
45 before the commencement of the Bill as an Act of Parliament, which I understand the
government has indicated will be in November of this year, then that amendment will

be of no effect. So would you like me to tender a copy of the relevant clause of the Bill I'm referring to?

5 THE VICE PRESIDENT: I'm happy to receive those. I will mark that V.

EXHIBIT #V ADMITTED AND MARKED

10 THE VICE PRESIDENT: Thanks very much.

MR WALLACE: So what this practically means is that if the Commission reaches a decision in relation to this matter and decides to amend relevant awards between introduction today and the commencement of the Bill as an Act of Parliament, and
15 the proposed Bill as it was tabled becomes law, those award amendments will be of no effect. Further to this, clause 822 of the Bill provides that if the Commission is still dealing with an existing award review or award amendment matter on commencement of the Bill as an Act of Parliament, then the Commission must stop dealing with the matter on commencement.

20 What this means practically is that if the Full Bench reaches a decision in relation to this matter and decides not to amend the relevant awards until after the commencement of the Bill as an Act of Parliament so the Commission can avoid those award amendments being of no effect when the Act commences, and the Bill as
25 it was tabled becomes law, the Commission would have to stop dealing with the matter and tip the matter into award modernisation process for consideration.

Now in light of these submissions, government's intention that the Bill will become law in November this year, and the uncertainty regarding what the proposal award
30 modernisation process will expressly mean for the current content of awards, the PSC reiterates its view there is no practical utility in this matter progressing beyond today. May it please the Commission.

35 THE VICE PRESIDENT: Thank you. I don't think the Bench is under any misapprehension as to the provisions of the proposed Act, but I think the submissions the other day were that it goes out to consultation this Friday and maybe it might be changed.

40 MR WALLACE: I can understand that.

THE VICE PRESIDENT: I think that's the - the basis on which we're proceeding today. Thank you. Yes, Ms Ralston.

45 MS RALSTON: Thank you. For the Full Bench's consideration I think the important issue in regard to this exercise is the difference of positions between the Public Service Commission and Together Queensland. We have consistently put in the material to this Full Bench and to the other parties that what we seek by way of

this matter, which was a matter that was left over from the previous award review exercise, is only to create a mechanism within the various public sector awards of a - of what we've termed a summary in simple form of the entitlements that exist around a number of clauses.

5

Now for that purpose what we've done is to draw down as a reference point what might - what is reflected in a range of directives of the Public Service Commission or the Minister and we have used those as examples of how you could create a summary in simple form for inclusion into the various awards . The view that we've expressed and to which there's been no indication from the Public Service Commission that this isn't possible in their latest set of submissions and their oral submissions today is that there is capacity to have that type of reference and that - that detail in simple form extrapolated and included into an award, because what we're seeking is for an award provision not a directive provision for incorporation.

15

So what is sought in the material that we've placed before this Full Bench is the adoption of a clause that is more detailed in content, that has some capacity to be understood by those individuals who read the award as to what the entitlement is in relation to a whole raft of clauses that appear in various public sector awards. The fact that the PSC today have used the Legal Aid example and said that's a different - that's a different arrangement to what they term as signpost clauses appearing in, for example, the Public Service Award State is a moot point.

20

It doesn't matter whether it's a signpost clause in an award such as the Public Service Award State or whether it's a reference clause in an instrument that has a different underpinning legislative framework such as the Legal Aid Award. The important aspect is that there needs to be contained within the award itself some details, some summary in simple form to give an indication of what the provision is that enlivens that particular clause. So, for example, for sick leave it's insufficient that a reference point would simply say sick leave is in accordance with directive number whatever, it gives no indication of what the arrangements are for sick leave.

25

30

What we did in our initial submissions to this Full Bench were to outline sick leave as an example and to say for the purposes of the Public Service Award State that the clause that appears in that particular instrument was sufficient in detail and met the requirements of being a summary in simple form. That wasn't necessarily the case for other awards and that a reference point without any detail at all was a - was an insufficient or deficient reference point. So we've continued to advocate that position.

35

40

I think that is the fundamental difference between the PSC and ourselves. Their submissions are about removal. Ours are about ensuring that there is some content to enable the users of the award system to know what the provision is allowing for. So we continue to advocate that position and that's consistent with the written submissions that we've provided by way of exhibit K.

45

THE VICE PRESIDENT: And A, yes.

MS RALSTON: And A, thank you. So for that purpose we also indicated in our -
in our written submissions, exhibit K, that the position that the PSC advanced when
they were last before this Full Bench, which has been reiterated today, that in awards
which are - have directive references, where those directive references are
5 underpinned by the fact that the award itself has some regulatory connection to the
Public Service Act, should be the types of clauses that are totally removed, we've
indicated in our submissions to you that we believe that that is outside the realms of
an award review exercise because that does seek a diminution.

10 Although the PSC have indicated that in their submission that they don't believe
there is any loss because the directive and the legislation continues to apply, as this
Commission would be aware through the amendments that were made during the
course of 2012, and are found principally around section 691 of the Industrial
Relations Act, that is an inaccurate statement from the PSC's perspective. The PSC
15 would be aware that the government does implement legislative changes that have
direct impact from time to time on award clauses.

So it is certainly our intention through this process to advocate that there should be a
greater degree of reference within each and every one of the Public Service awards
20 that we've identified in attachments to exhibit A and that there be some level of detail
provided and we have given some examples of what that detail would be, and that
continues to be the submission of Together.

Just in relation to the PSC's concluding comments about their position for this Bench
25 to stop hearing this matter, I mean, as indicated by you, Vice-President, that was
subject to submissions last week, it continues to be our view that matters that are
before this Tribunal cannot be - cannot be limited in being progressed. Certainly
there were matters before Commissioner Thompson last week where an endeavour
was made by the Public Service Commission in relation to amendments affecting the
30 Police Service, amendments under the Other Than Public Service Award to attempt
to have what was a decision of Commissioner Thompson in some way reversed.

It is our clear view that this Tribunal should continue to hear matters that are before
it as if the Bill was no more than what it is, which is a Bill. To stop - - -
35

THE VICE PRESIDENT: The trouble with the matter before Commissioner
Thompson is that it didn't get on the record that they were paid administratively. If
the legislation goes through they have nothing to get come the 2nd of December.

40 MS RALSTON: Yes. Well, putting that - - -

THE VICE PRESIDENT: So, you know, it was mighty helpful for the - for the
employees, I would have thought, to at least have got on the record that they were -
the Police Service would pay them administratively come the provision of the Act
45 because that wasn't there before Commissioner Thompson originally.

MS RALSTON: Well, that might have been an issue, but it can't be lost on us that the position that was being advanced was, firstly, that there should be a reopening without any formal application for one. Having stepped away from that position both the PSC and the Police Service then, in our view, attempted to create an
5 environment where the preference was that the decision in some way be withdrawn. Now I don't know what you - - -

THE VICE PRESIDENT: I think I'd look at - I think I'd look at the Queensland Police Service before I'd look at the PSC in that - in respect of that matter because - -
10 -

MS RALSTON: Yes.

THE VICE PRESIDENT: - - - you may not know everything that's gone beyond the
15 scenes.

MS RALSTON: Gone beyond the scenes. Well, we hope nothing goes on behind the scenes.

20 THE VICE PRESIDENT: Well - - -

MS RALSTON: We hope that everything goes on upfront because otherwise risk occurs in relation to those matters. So if I can just reiterate, matters before this Tribunal should progress.
25

THE VICE PRESIDENT: We're progressing.

MS RALSTON: Yes.

30 THE VICE PRESIDENT: We're hearing it, Ms Ralston.

MS RALSTON: Yes, yes.

THE VICE PRESIDENT: We wouldn't be here if we weren't hearing.
35

MS RALSTON: Yes, but I think it's important that we place that on record - - -

THE VICE PRESIDENT: Yes.

40 MS RALSTON: - - - because the PSC have placed their position on record, don't proceed. So I think that's fair.

THE VICE PRESIDENT: I think the submission was there's a futility in proceeding.
45

MS RALSTON: Oh, well, there's lots of futility. It doesn't necessarily mean you - you don't persevere. Thank you.

THE VICE PRESIDENT: Okay. Yes, Mr Martin.

MR MARTIN: If it please the Commission, thank you. The Queensland Council of Unions support the submission of Together Queensland in relation to this matter, and
5 I think it was best expressed by Ms Ralston that the - the greater degree of
referencing can only be of assistance to the reader of the documents in question.
Granted there is a - a degree of confusion, I guess, with respect to the web that's
created by award certified agreements and directives. However, it would appear to
me that, you know, what's been described as a signpost, the removal of that could
10 only lead to greater confusion as opposed to less.

The instance that has been provided by the PSC with respect to those organisations
such as Legal Aid that aren't bound by the Public Service Act that do obtain a benefit
by reference to a Public Service directive, which from what I understand appears to
15 be okay, things can get even more confusing than that and I'd suggest that there are
some - some groups of employees who are not bound by the Public Service Act yet
are - but are bound by Public Service Directives, should those employees not be - not
be entitled to have any idea of what their - their entitlements are by virtue of an
award clause? And specifically I refer there to employees of what was once
20 Emergency Services who were - - -

THE VICE PRESIDENT: Have a look at the two people in front of us here.

MR MARTIN: I beg your pardon?
25

THE VICE PRESIDENT: Have a look at the two people in front of - in front of the
Bench here who are in the same category.

MR MARTIN: Yes, yes.
30

THE VICE PRESIDENT: Their terms and conditions - they're not public servants -
the associates' terms and conditions, though, are aligned with the Public Service
where it's applicable.

MR MARTIN: I beg your pardon, not directly - directly - you meant directly in
35 front of the Bench, I was having a look - - -

THE VICE PRESIDENT: No, no, no, sorry, directly in front - the two directly in
front of the Bench here, associates.
40

MR MARTIN: No, now I understand. Yes, for example. So in terms of
establishing what is the purpose of an award review, we'd suggest that the greater
understanding of what employment conditions are the better and we'd respectfully
submit that the - that the suggestion made by the PSC would be counterproductive
45 towards that end.

Insofar as the final submissions go from the PSC, we would rely upon the fact that this Bench has continued to hear this matter. If it please the Commission.

THE VICE PRESIDENT: Thank you. Yes.

5

MR MARTIN: The QNU relies on their written submission presented on the 18 of October, exhibit L, and supported submissions presented by all the unions. Thanks.

THE VICE PRESIDENT: Thank you. Yes Mr Henderson.

10

MR HENDERSON: Thank you very much, Vice-President. We agree with the submissions made by Ms Ralston and Mr Martin this morning and we have nothing further to add to our written submission.

15 THE VICE PRESIDENT: Thank you very much. Yes, Mr Eldon.

MR ELDON: Thank you, your Honour. Your Honour, the Australian Workers Union relies upon the submissions that have already been made by it, and we also support the submissions that have been put forward today.

20

THE VICE PRESIDENT: Thank you. Yes, Mr O'Brien.

MR O'BRIEN: The CFMEQ repeats and relies on the submissions already provided by Together Union and the QCU and have nothing further to add.

25

THE VICE PRESIDENT: Thank you. Yes, Mr Wallace.

MR WALLACE: Vice-President, the only thing I'd like to add, I think it's a little bit misleading for Ms Ralston to suggest that the insertion into the provisions of the award as the union suggest is a simple summary do not inflate the award entitlements. If you look at the document as a stand alone instrument, you add more in - if you add more provisions into that instrument for it to confer an entitlement to an employee covered by that award, then you're enhancing the award entitlements.

30

35 If you use the proposal we have in relation to removal of signpost award clauses, the signpost award clauses in and to themselves don't provide any actual benefits industrially for employees, so their removal doesn't do anything, really, in terms of changing the conditions of employment for employees under award. So I think that's just a little bit misleading for Ms Ralston to suggest that (a) that out of the signpost -
40 the removal of the signpost award clauses would result in a diminution of entitlements but a simple summary added to the award clauses wouldn't actually result in the inflation of entitlements. I just wanted to add that. Thank you.

40

THE VICE PRESIDENT: Thank you. We'll reserve our decision, thank you.

45

THE COMMISSION ADJOURNED

[12.11 pm]