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FAIR WORK
AUSTRALIA

TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

COMMISSIONER SMITH

B2011/3949

s.424 - Application

**State of Victoria, Department of Human Services
and
Community and Public Sector Union
(B2011/3949)**

Melbourne

11.06AM, SUNDAY, 20 NOVEMBER 2011

Continued from 18/11/2011

PN311

THE COMMISSIONER: Please be seated. I am calling on you first, am I Mr Wood?

PN312

MR WOOD: Only for a short while, Commissioner, because discussions between Ms Keating, who instructs Mr Attiwill, and Mr Blake who instructs Ms Norton and me have been productive and subject to your approval, Commissioner, the parties wish to inform you of a possible way ahead, and that possibility has eight parts. The first is that the CPSU agrees to pause bans 20 and 21 unconditionally for a period of not less than seven days from 11 a.m. on Sunday 20 November 2011. Commissioner, my learned friend Mr Attiwill is just handing up to your Associate a document which will enable you to follow what I'm saying.

PN313

THE COMMISSIONER: I'm grateful.

PN314

MR WOOD: Bans 20 and 21 are members will take industrial action in the form of a ban by child protection workers with more than 12 months experience accepting more than 12 cases including notifications; and ban 21 is members will take industrial action in the form of a ban by child protection workers with less than 12 months experience accepting more than six cases including notifications. Point 2, Dean Yates and Karen Batt agree to meet at three p.m. on Sunday 20 November 2011 at a conference to be facilitated by Commissioner Smith. Obviously that is subject to your agreement or approval, Commissioner.

PN315

Point 3, the State will make available a senior official of DHS or other appropriate department on Sunday 20 November 2011 to meet with CPSU child protection worker delegates (of whom there will be three). Point 4, the parties commit to a time table of meetings over the next three days for the parties in 2 and 3 above to allow sufficient time to hold discussions. Point 5, bans 9, 10 and 15 will not be imposed by child protection workers rostered to work weekends in the circumstances outlined in transcript by counsel for the CPSU on 18 November 2011. Those bans were ban 9, members will place a ban on checking emails after 12 noon each day. Requests outside this time via email will not be responded to until the next day; and 10 is that members will take industrial action in the form of a ban on answering phones before nine a.m. and after 4.30 p.m.

PN316

Ban 15 is that members will place a ban on travelling for work purposes in on time, and without wanting to verbal my learned friend the proposition put by him, as we understood it, but it will be reflected in the transcript in any event, was that those bans did not apply on weekends. Commissioner, I don't think I need to read points 6 and 7. The eighth and last point is that if those proposals are acceptable to the Tribunal the State will withdraw its application to suspend or terminate protected industrial action filed on Thursday 17 November 2011. Commissioner, it goes without saying obviously that other things might happen in the future, including the very near future that might necessitate a fresh application but we will deal with those things when and if they arise.

PN317

THE COMMISSIONER: Thank you.

PN318

MR ATTIWILL: We are in agreement with that, Commissioner. I think number 6 is important to read out and that is that these arrangements are proposed in line with the spirit and intent of your recommendation of 17 November which was made obviously before this application was issued and with a view to reaching agreement, that is the intention.

PN319

THE COMMISSIONER: Thank you. To the extent it requires my agreement, I agree.

PN320

MR WOOD: Then we withdraw our application dated 17 November 2011.

PN321

THE COMMISSIONER: I have read all this material the parties have kindly provided to me. I congratulate the parties on finding a way forward, this is a difficult dispute and it will require a lot of good will on both sides to seek to resolve it and I will do whatever I can to assist the parties in finding that resolution. Thank you, the matter is adjourned.

PN322

<ADJOURNED INDEFINITELY

[11.12AM]