

3.8 Deputy G.P. Southern of the Chief Minister regarding the process for consultation over the modernisation of terms and conditions for the public sector:

I draw Members' attention to question 18 in the written questions, which may inform this question. Would the Chief Minister advise whether the process for consultation over the modernisation of terms and conditions for the public sector consists of weekly meetings during working hours and if so, are all the staff representatives given time away from work to attend and to what extent do such meetings constitute formal negotiations?

Senator I.J. Gorst (The Chief Minister):

The proposed consultation process involves the ongoing opportunity of staff representatives to contribute to each successive draft of a policy in addition to the attendance of meetings with the employer. In discussion with pay groups, future meetings have recently been rescheduled at different times during working hours on a fortnightly basis to aid the participation of staff representatives. I am committed to ensuring that appropriate facility time is given to employee representatives to attend these meetings and contribute to the policy development process. The meetings are part of a consultation process. Where necessary, especially on contractual matters that require negotiation, extra meetings will be held with pay groups, both collectively and individually.

3.8.1 Deputy G.P. Southern:

Is the Chief Minister aware that there are only, I believe, 2 pay groups with full-time and part-time representatives who can regularly attend such meetings and that my information is that some representatives have already been refused permission to attend these meetings? Does he believe meetings for consultation purposes when the consultees cannot attend is an effective and best practice?

Senator I.J. Gorst:

I think I already answered that in my opening comments. If the Deputy is aware of specific individuals who are not able to attend, obviously he would not expect me to be able to deal with that across the floor of this Assembly, but if he wishes to let me know who they are, I will ensure that if there is a problem, it is rectified because it is important that these consultation meetings take place.

3.8.2 Deputy G.P. Southern:

I do not believe it is a question of individuals. I believe that the majority of reps have been already informed that they cannot attend such meetings on a regular basis. Is the Chief Minister aware of that?

Senator I.J. Gorst:

The Chief Minister is aware of what he has just read out, that meetings have been rescheduled at different times to aid the participation of staff representatives. If the Deputy is telling me that that still is not working, then of course we are prepared to relook at it.

3.8.3 Deputy G.P. Southern:

Would the Chief Minister inform Members when he expects to hear legal advice as to what is consultation and what is negotiation on terms and conditions because I certainly have looked at the content and I can see at least 7 of these 14 boxes are clearly terms and conditions which are subject to negotiation and must be formally proceeded with, not consultation.

Senator I.J. Gorst:

Yes, the Deputy of course picks on a difficult area with regard to the status of policies being contractual and non-contractual and therefore subject to either negotiation or consultation. The

Deputy is asking me when another Member of this Assembly's department is going to be able to provide advice. I suspect that he would be far better asking that Member of the Assembly.

3.8.4 Deputy G.P. Southern:

Does the Chief Minister consider that what he has set up here is an example of good practice when he has not received the advice as to which of the topics he is attempting to consult on is subject to full negotiation rights and not otherwise? Surely the whole process cannot start until he has received that advice so he knows what is consultation and what is negotiation. Without that, it is meaningless.

Senator I.J. Gorst:

I do not agree with the Deputy at all. It surely is right for the employer to consult on all policies and as I said in my opening comments, some of which then will be subject to further negotiation.

The Deputy Bailiff:

Very well. We would now be coming on to question 9, but Senator Ferguson, I understand you are withdrawing that question? Very well, we come to question 10 which Deputy Tadier will ask of the Minister for Transport and Technical Services.