

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL

NO. 5967/2017

IN THE MATTER of a dispute between Public Service Association of South Australia and TAFE SA.

IN THE MATTER of a voluntary conference pursuant to Section 200 of the Fair Work Act 1994.

STATEMENT AND RECOMMENDATIONS

COMMISSIONER PAUL MCMAHON

Adelaide Monday 18 December 2017

The Public Service Association of South Australia (PSA) notified the South Australia Employment Tribunal (SAET) of its dispute with TAFE SA in relation to the continuation of the current Internal Reviews and Realignment being conducted in light of the External Independent Review of TAFE SA being conducted by the management consulting firm, Nous Group announced in a news release by Minister Close. The PSA sought that the employer cease its internal reviews until the outcome of the External Review. The employer's position was that this may not be necessary dependant on the Terms of Reference of the External Review. In an effort to resolve the differences between the parties the following recommendations were agreed.

RECOMMENDATIONS

- **That** the FAP internal review, the Libraries/ Information Services Review and the Realignment of Improved Practices Project be postponed until the following has occurred-
- **That** upon TAFE SA receiving clarification on the Terms of Reference (TOR) from the Nous Group's External Review, TAFE SA will meet and discuss the implications (if any) on the internal reviews and the realignment identified above with the PSA.
- **That** in relation to the FAPS review once the information in relation to the TOR of the Nous Group External Review has been provided to the PSA, the PSA will be provided 5 days commencing no earlier than 8 January 2018 to meet with its members regarding the final structure and any additional feedback provided by TAFE prior to implementation.
- **That** in relation to the Libraries/Information Services Review once the information in relation to the TOR of the Nous Group External Review has been provided to the PSA, the PSA will be provided 10 days commencing no earlier than 8 January 2018 to consult with its members on the proposed restructure with consideration also to the additional information previously sought by the PSA from TAFE SA consistent with Commissioners Determination 7.
- **That** in relation to the Improving Practices Realignment, once the information in relation to the TOR of the Nous Group External Review has been provided, the PSA will have 10 days commencing not before 8 January 2018 to consult with its members in relation to the implementation of the model including the allocation of staff and the transitional arrangements.
- **That** TAFE will endeavour to ensure that any affected staff who are on leave are informed of the above processes and timeframes as soon as practicable.

- **That** if the PSA disagrees with the positions taken by TAFE SA in relation to the impact of the terms of reference on any of the internal reviews identified above, the PSA are able to apply to SAET at short notice for additional assistance.

Liberty to apply.

BY THE COMMISSION



Paul McMahon
COMMISSIONER

