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TRANSCRIPT OF PROCEEDINGS

O/N 9418

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER T.J. ABEY

T No 10742 of 2003

T No 10764 of 2003

T No 10782 of 2003

METALLIFEROUS MINING AND PROCESSING AWARD

Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 by the Australian Workers Union, Tasmania Branch to vary the above award re the inclusion of further provisions.

HOBART

9.00 AM, THURSDAY, 15 MAY 2003

HEARING COMMENCED

[9.10am]

PN1

THE COMMISSIONER: When this matter was last before the Commission the parties gave a preliminary report on negotiations to date on the proposed new award and it was further proposed that this matter be set down today so certain matters could be placed on the record. What is the position?

PN2

MR FITZGERALD: Yes, Commissioner, unfortunately we can't report much progress. I have had the discussion with Mr Flanagan who sends his apologies to the Commission. Unfortunately I think he was detained. There was some intention on his part to call you and I thought well I had better here in any event and we apologise for that and I have been asked to extend Mr Flanagan's apologies. The Australian Mines and Metals Association have been ready, willing and able, if I can put it that way, to meet with the AWU and other unions in respect to the award but due to the commitments of Mr Flanagan particularly, who has the carriage of the matter, he has had to on two occasions recently postpone meetings.

PN3

I don't say that in any way in prescribing any blame at all but it is just a business which the AWU find themselves at the moment but I think it is important to put on record that AMMA is prepared to meet and progress the matter but due to the unavailability of the AWU it has been unable to do so. So the report on the last occasion is about as far as we have gone there so really this hearing was unnecessary. I did jokingly say to Mr Flanagan that the Commission has granted in terms of our application and he said in terms of his application but then realised that there was nothing in his application. But that was only said in jest but I think if the other dates can be set down - we realise that there is some urgency in moving along in accordance with the program.

PN4

I have a four week annual leave commitment at the end of June, early July, which Mr Flanagan is aware of and which may obviously take some time out. But I am waiting on the AWU to tell me when they are ready to proceed with the next meeting.

PN5

THE COMMISSIONER: Yes. Thank you, Mr FitzGerald. These things happen and there has been quite a deal of progress to date so I think we are on track. We are scheduled for a further report back on 30 May. Presumably that is still - - -

PN6

MR FITZGERALD: I think we should leave that there, Commissioner, but I think out of courtesy what should have happened this morning and didn't is the phone call from Mr Flanagan who is obviously the main one pushing this. I suppose I could have called you too and I apologise for that and we didn't need to have to return - to convene this hearing. But 30 May I think is a date which we should keep there and it gives us the incentive between now and then to

meet and hopefully get agreement on some other clauses, but certainly we will make made some progress.

PN7

THE COMMISSIONER: Well, there is a full schedule of dates set down through to completion and, you know, I would certainly propose that they remain in place.

PN8

MR FITZGERALD: I agree.

PN9

THE COMMISSIONER: On that basis we will adjourn until 30 May. Thank you for your attendance.

ADJOURNED UNTIL FRIDAY, 30 MAY 2003

[9.05am]