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TRANSCRIPT OF PROCEEDINGS

O/N 9734

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

11.00 AM, FRIDAY, 5 SEPTEMBER 2003

Continued from 25.7.03

PN78

THE COMMISSIONER: I have an apology from Mr Baker who is detained in the big Commission.

PN79

MR FLANAGAN: I presume that is the Federal Commission you are referring to.

PN80

THE COMMISSIONER: Mr Flanagan, what is the position; have we got a few more ticks and a few less crosses than last time?

PN81

MR FLANAGAN: Well, we hope so. What is occurring is since we were here there were further detailed discussions between the AWU, the AMWU and Australian Mines and Metals. My understanding is that Mr FitzGerald needs to further consult his members in relation to a number of issues and that he has a scheduled meeting with them on the 16th of this month. Now, unfortunately that adds some disruption to the program that we have in place.

PN82

I think it is important that the Commission should be aware that one of the most significant gaps between the parties is, and I am sure you will be surprised, rates of pay. So we had originally intended that on Monday of next week there would be a conference process to work through those crosses, of which there are not too many, hopefully. We believe that in order to allow Australian Mines and Metals to complete the consultation process with their membership it would be appropriate to discontinue, if you like, the proposed conference on Monday.

PN83

We have three dates set aside in October. I think rather than them proceeding to hearing on those dates we should take two of those dates for conference which would allow the Commission and the parties to work through the issues which are in dispute.

PN84

THE COMMISSIONER: Right.

PN85

MR FLANAGAN: See if we are able to resolve them with the assistance of the Commission and if we are not then at least we have clearly identified the parameters of any arbitration that is necessary, so in our view that would be the most appropriate way forward if that is convenient to the Commission.

PN86

THE COMMISSIONER: Yes. Can you confirm your position, Mr - - -

PN87

MR FITZGERALD: I can confirm exactly what Mr Flanagan has said, Commissioner. I mean, we are not wishing just to push this program out, it is a massive exercise. One difficulty which I have faced is the state of the industry at the moment, it is under pressure and actually the ability to be able to get concise instructions is somewhat curtailed because of that but I have managed to pin them down, if I can put it that way, and as I indicate I have a meeting on the west coast on 16 September where all these issues or the outstanding issues will be discussed.

PN88

I am hopeful that we can sort of narrow the gap but certainly the issue of pay rates is a big issue which we have a fundamental, philosophical and practical objection to the position put by the union. We believe the award should be set on a safety net basis. The practice in the industry is to have annualised rates of pay and we believe that the rate should be low enough to enable that to occur and that is something which we may - may come to argue about, but hopefully not.

PN89

The only other issue which has sort of come to my notice, and I haven't actually discussed this with Mr Bacon, but I should put it on record, is that there is currently an application to change the drafting and technical whatever the name of the award is, and there are some laboratory and other people within the industry. Now, my view is that those should be encompassed in this industry award rather than be subject to this occupational award and that is something which I will need to actually flag with Mr Baker so he may need to incorporate those provisions into this award, but I think if we - I suppose we have got the exceptions of clerical people but other than that if we are going to have everyone else of an operative sense rather than support sense covered by this award, I think it makes sense that those provisions are incorporated in this award rather than running off to another occupational award, so that is another issue, but I think that is more procedural rather than a substantive issue.

PN90

But other than that I would agree that we - and I think it would be wise to have the two days. I understand that 16 and 17 October would be the days and you know, I will have - and in fact it may be that I might have representatives in the industry down here with me on those days that might assist as well, so I think despite the fact that the program has been pushed out on a number of occasions, I think we are making progress. We had a meeting with the AWU and AMWU about a month ago and we are still pursuing the issues.

PN91

THE COMMISSIONER: Yes, thank you, Mr FitzGerald.

PN92

MR FLANAGAN: I wonder if I could just sort of add an additional comment there, Commissioner? Mr FitzGerald may not be aware of it but traditionally the representation of laboratory workers in the mining industry has been by the Australian Workers Union. I understand there may be some laboratory people in Queenstown that are in the AMWU and that was by agreement between the

two organisations approximately two to three years ago, but traditionally laboratory workers in the mining industry have been represented by the AWU so that is an issue that we will want to participate in the discussions on.

PN93

MR FITZGERALD: I will accept that, Commissioner.

PN94

THE COMMISSIONER: Yes, certainly. We will go off the record for the moment.

OFF THE RECORD

RESUMED

PN95

THE COMMISSIONER: Having heard the parties I am satisfied and encouraged that progress is still afoot. It is agreed that there will be a further conference commencing at 9.30 am on 16 October and on Friday, 18 October if that is necessary. We will also set aside three days commencing Tuesday, 11 November at 9.30 am and two succeeding days after that with a view of finalising any matters which have to do to arbitration on that day or the subsequent days, with a view that at the end of 13 November the only matter which will should remain in terms of finalising the award, would be any matters which are not agreed and have to go to arbitration.

PN96

With that being the case we still have a fighting chance of meeting our original target of wrapping this award up by the end of this calendar year. Nothing further for the record?

PN97

MR FITZGERALD: Nothing further.

PN98

MR FLANAGAN: Nothing further.

PN99

THE COMMISSIONER: The Commission stands adjourned.

ADJOURNED INDEFINITELY