

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T No. 5316 of 1994

IN THE MATTER OF an application by The
Australasian Meat Industry Employees
Union, Tasmanian Branch for the making of
the Meat Industry Award

COMMISSIONER WATLING

HOBART, 9 April 1997
continued from 18/2/97

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER WATLING: I'll take appearances please. I probably should say it's more a resumption than part heard. I'll take appearances in this matter please.

MR J SWALLOW: SWALLOW, J.E., AMIEU.

COMMISSIONER WATLING: Good. Thank you.

5 **MR G COOPER** If the commission pleases, I appear on behalf of the Australian Workers' Union, Tasmania Branch, COOPER, G.

COMMISSIONER WATLING: Good. Thank you.

MR A CAMERON: ANDREW CAMERON, from the Tasmanian Chamber of Commerce and Industry.

10 COMMISSIONER WATLING: Good. Thank you.

Let the record show that on the last occasion we were together, the commission was of the view that this matter had been finalised and the parties were going away to prepare the draft orders. During the course of the last hearing, a draft order was submitted, however the parties did indicate that there may be some small errors in it and I gave them the opportunity to go away and prepare the draft orders for perusal by the commission. In the intervening period, it has been brought to my attention that there - some of the submissions presented on the last occasion may be somewhat inaccurate, and before handing down my decision and order in this matter, I have taken it upon myself to relist this matter for hearing to find out exactly what has taken place and what submissions need to be re-presented in relation to the making of this award. So maybe if someone will give me a report for starters, and then -

MR CAMERON: Yes. Thank you -

COMMISSIONER WATLING: - Mr Cameron.

25 MR CAMERON: - Mr Commissioner. As you indicated at the last hearing before you on the 18th February, a draft document was handed up in relation to the Meat Processing Industry Award. Subsequent to that, in talking to our members, we realise that the chamber had misunderstood some of the information provided by our members, in particular, the minimum rates adjustment process that was to take place with the new award. We have had discussions with Mr Swallow from the AMIEU in relation to that, and have come to an agreement in relation to the implementation of an MRA process, and we have - if I might at this stage hand up a copy of the draft order together with a statement setting out the proposed minimum rates adjustment.

COMMISSIONER WATLING: Good. Now you did indicate that you've got some agreement with Mr Swallow. What about other parties to the award?

35 MR CAMERON: I spoke briefly with Mr Cooper this morning. Mr Cooper has indicated that he would like to talk further about it. I am not sure what his final position is here this morning, he only just arrived just on the two o'clock, and we haven't had time to talk further. He might indicate his approval or not.

COMMISSIONER WATLING: Well should we go off the record to talk about it now?

40 MR CAMERON: Possibly that might be appropriate at this stage just to find out - after having - Mr Cooper spoke with Mr Swallow as well as myself this morning - just to find out what the outcome of those discussions were.

COMMISSIONER WATLING: Good. And that will give the commission opportunity to find out what's in the document as well.

MR CAMERON: If I might point out whilst still on record the other changes that took place. We undertook to insert into the award the carer's leave provisions which have
5 been done. We also undertook to consolidate the award to the extent of re-arrangement. There is now a separate leave heading and underneath that clause, which is clause No. 20, it provides for the various types of leave, such as annual leave, carer's leave, compassionate leave, leave to attend union business, parental leave and sick leave, which previously under the Abattoirs Award were all separate clauses.

10 We have also undertaken to go through the award and remove any reference to he/his, she or her, to bring it into line with current trends.

The only other alteration from the last time, Mr Commissioner, is that it came to our attention recently that the supportive wage - the supported wages - was not part of the documents that were handed up or, indeed, in any of the negotiations between the
15 parties. So we have inserted the provisions for a supported wage system; that appears behind page 15 of the draft order handed up this afternoon, and that's in the standard form.

Apart from that there has been and - sorry - the only other change was in relation to the apprentices, at clause 8, and the wage rates for apprentices, has been clarified in
20 relation to the apprentices, and that's on page 12 of the draft order. That has been clarified, Mr Commissioner, in relation to the apprentices clause - only applies to apprentice meat workers to apprentice slaughterers, apprentice butchers or apprentice smallgoods people - persons, and the appropriate rates for each of the years of the apprenticeship are shown there.

25 COMMISSIONER WATLING: Good. We'll mark this exhibit then A.1 and I take it that this is certainly the TCCI's view of the draft order -

MR CAMERON: Yes.

COMMISSIONER WATLING: - at this stage?

MR CAMERON: Yes, thank you commissioner.

30 COMMISSIONER WATLING: Yes. Righto. Well we'll just go off the record now to examine a couple of issues.

OFF THE RECORD

COMMISSIONER WATLING: Let the record show that the parties have taken the commission through the new draft order, which is now given the number of exhibit
35 A.1.

Mr Cameron, have you any further discussions?

MR CAMERON: Yes, thank you Mr Commissioner, and thank you for the opportunity to discuss - go through the document with you and the other parties today. We just reiterate for the record that the wage rates shown in clause 8 of this draft order do
40 reflect a minimum rates adjustment, and that particular document, the supplementary payments, column A, contains the first two minimum rate adjustments and that there will be subsequent adjustments in the future upon application by the union, and those amounts and dates have basically been discussed in conference.

The only other point that the Chamber of Commerce and Industry would like to make is that the wage rates also incorporate all work value cases up until the date of the making of the order.

COMMISSIONER WATLING: Good. And the operative date?

5 MR CAMERON: Would be the 18th February 1997.

COMMISSIONER WATLING: The first full pay period?

10 MR CAMERON: The first full pay period on or after the 18th February 1997. Other than that Mr Commissioner, most of the other submissions in relation to the draft order were made at the last hearing on the 18th February, and we endorse those submissions made at that time, and we put this document forward for - as a consent document.

COMMISSIONER WATLING: Thank you. Mr Swallow have you any submissions?

15 MR SWALLOW: Sir, there was a - when we last met, there was some information that never came forward and since that time the unions had negotiations with the TCCI and that's been resolved and that was in relation to minimum rates adjustments.

COMMISSIONER WATLING: Right. And you agree with exhibit A.1 as being appropriate for the draft order arising out of this matter.

MR SWALLOW: Yes sir.

COMMISSIONER WATLING: Good. Righto. Mr Cooper.

20 MR COOPER: Mr Commissioner, with respect to the process, quite clearly on the record last time my union put a position which was our understanding at the time that the document that was tendered in February and titled exhibit AMIEU 1, as a draft order, did contain an error that was not known to us at the time, and that was that it did conclude the minimum rates process. We have since been involved in
25 discussions with both the TCCI and the meat workers and the commission in conference, and that has alerted us to the process that was to be included in AMIEU 1 but was inadvertently left out. Our understanding is now that there will be two minimum rates adjustments, as advised by Mr Cameron. We are disappointed that that is the process, but nonetheless accept the evidence that has been placed before
30 us in that regard and endorse the document that is now A.1, that was tendered today as an exhibit, and endorse the operative date that's contained therein. And we don't intend to re-state those arguments, although submissions in the previous hearing are because save and except for the minimum rates adjustment, they are still relevant submissions.

35 The only other comment I would make commissioner, in terms of A.1, as in AMIEU 1, in clause 2 - Scope, it does contain a provideo - a 'provided further' and obviously in the drafted up of that that would not be necessary, I would not think.

COMMISSIONER WATLING: No, you are right. Yes.

40 MR COOPER: So that concludes our submissions, and we endorse the document for ratification, if the commission pleases.

COMMISSIONER WATLING: It would be my intention once - putting the order out - to remove that 'provided further', because we really rely on the simultaneous operative date for repealing other awards -

MR COOPER: I accept that, commissioner, yes, thank you.

COMMISSIONER WATLING: - it will be done Mr Cooper.

That concludes this matter and I thank the parties for providing the commission with the draft orders and the decision - the order will be out as soon as possible.

5 Good. Thank you.

HEARING CONCLUDED