

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

T No. 4927 of 1994

**IN THE MATTER OF** an application by  
the Tasmanian Chamber of Commerce  
and Industry Limited to vary the  
Cement Makers Award

re Definitions, wage rates

COMMISSIONER IMLACH

HOBART, 2 May 1994  
continued from 28/3/94

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: Any change in appearances?

**MR M. HILL:** Yes, sir, the Automotive, Food and Metals and Engineering Division have a change in appearances; along with me today are **ADRIAN BIELMAN** and **BRIAN MARNEY** - if the commission pleases.

COMMISSIONER IMLACH: Thank you, Mr Hill. Anyone else?

**MR K. BECKER:** Yes, Mr Commissioner, the added appearance for us is **MR BRETT SMITH** from the plant for the Electrical, Electronic, Plumbing and Allied Workers Union.

COMMISSIONER IMLACH: Thanks, Mr Becker.

**MR COSTELLO:** Mr Commissioner, for the Australian Municipal, Administrative, Clerical and Services Union, along with myself will be appearing **DAVID KENNEY**, a representative of the employees.

COMMISSIONER IMLACH: Thank you. Anyone else?

**MR J. LYNCH:** Mr Commissioner, it may be the case you've got Mr Hansch as appearing for the TWU - it will be me today - **JOHN LYNCH**.

COMMISSIONER IMLACH: Thank you. Right. Now who's going to kick off?

**MR TARGETT:** I got to my feet first, I guess it's me. Since the last hearing day before you, Mr Commissioner, we met - or the company met with all unions here on site and had some lengthy discussions. The unions raised quite a number of questions with us that wished to get clarified. We then as a company went away, put together our response to all of the issues that were raised by the unions and came back and gave them an explanation of the company's position on a range of issues.

Following that meeting, the company undertook to provide to the unions a revised proposal which took into account some of the concerns that were raised by the unions at that particular meeting. I subsequently provided - posted to the unions a copy of that revised proposal which was on a 'without prejudice' basis. I met with - apart from posting it out to the unions, I met with the AWU and the metal workers and explained some details to them by way of clarification. I also received subsequent to posting that out phone calls from both Mr Becker and Mr Cooper for further explanations on a number of issues. As I understand it the unions also raised a number of issues - or some unions raised a number of issues with the company seeking clarification on a number of points, to my understanding that clarification has been given.

The position at this point in time is, we are unaware of where we stand. The proposal we provided had a limited life because it was a 'without prejudice' proposal and we reserved our rights at all times if necessary to have the matter arbitrated, and arbitrated on our original application. So I guess from that perspective, I'd be looking to see how the unions reported their positions to the commission this morning and then it may then be necessary for the commission to adjourn into conference and discuss issues or we may be able to proceed on a consent basis - I'm not sure.

COMMISSIONER IMLACH: Yes, thanks, Mr Targett. Well we will hear from the unions but in their response I'd ask the unions to tell me where they think we should proceed from here - or what position they are in so far as proceeding today is concerned. Mr Cooper?

MR COOPER: Commissioner, in respect to that - that outline that was presented by Mr Targett, we'd agree with that to the extent that we have contacted both the TCCI and the company on a number of occasions throughout the period that we last adjourned which was the 28th March. We do advise the commission that we did receive a revised document which was available for collection on the 13th April and when we collected that document we did have some brief discussions in respect to the content of that document.

We have subsequently brought that document back on site and circulated it amongst our membership and we have had - embarked on an education process in terms of what that document means.

There are some - still some matters that - that we have to discuss with our membership in respect to that and if I could just briefly touch on those. There is - we have, after discussions with Mr Dempsey of the company, implemented a process for dealing with translations. There were some anomalies that did exist. We now understand how those anomalies are to be addressed and that process has been put in place and I understand has been working well for the last few days.

In terms of the classification structure that is contained in the 'without prejudice' document, it is the intention of the company to have that structure reflect the metal standards and while that is the case to the majority of the structure it is not totally correct to say that it does mirror the metal structure and we have undertaken to discuss that.

Now up until last Friday, I had understood personally that that was being undertaken by another party, but I understand that from the comments of Mr Targett that he hasn't received the modified structure as yet so we need to progress that item.

In respect to specific AWU matters, there are still some outstanding issues that need to be resolved, and as we have said last time, we do intend to proceed with - in terms of the central control room - proceed with the resolution of that matter through another set of proceedings which would result in us requesting the commission to work value that job function.

We have developed some new concepts in terms of multiskilling employees on site and those concepts are - are - while they are appealing to our membership there are a number of matters that have to be worked through with those so we fully understand how they will impact when they're implemented.

We need to further develop the introduction of training competencies and modules as they relate to the metal structures and that work is being undertaken through the MTFU and that work, I understand is reasonably progressed in terms of the trades area but has yet to commence in terms of the production area and I do advise the commission we are using the same person for that work so that it does have some - some level of consistency.

We have asked in terms of one area on site, and that is the quarry area, we have asked for a briefing on that area by the company. We asked Mr Dempsey that and that request has been agreed to although we do have to set dates up for that. We would require a briefing in terms of medium and long term outlooks for that area of the company.

We have also to set up a process on site for dealing with - with that issue and the issues that I raised. Now basically we saw our role in this as once we received the 'without prejudice' document of the company, of going around and explaining that to our membership and I must say, commissioner, in doing that we have attempted to in the time frame that's been available to us, get across all the issues. However, I must say that that hasn't been possible to the extent that we are in a position today to either accept or reject the 'without prejudice' position.

So in summing up our report back, I would say to the commission discussions have been positive, we have discussed a large range of issues, there are a number - and they are reasonably small now - that need further clarification and the membership need to be fully aware of what it is they're voting on and how that impacts on their current rates of pay. So if I can leave that - that report back to that initial stage, I think what I'd be putting to the commission is, I don't have any problem in going into conference at the conclusion of the report backs, but I would suggest that coming out of that conference would be a request from us for more time, and that time I don't mean another month or two, I mean a brief period

of time for us to make sure that our membership fully understand the 'without prejudice' proposal put by the company, what it means in terms of their current earning capacity and their future earning capacity and the future work that they would be required to perform and undertake under the structure.

And I think we are a fair way down the track with that. I will reiterate talks have been positive and we would - we would certainly support an adjournment into conference. If the commission pleases.

COMMISSIONER IMLACH: Thanks, Mr Cooper. Who is next?

MR HILL: If I may, Mr Commissioner, as I - I broadly support the - the comments made by Mr Cooper and as I indicated on behalf of the metal workers at the last proceedings before you, it was our view, sir, that it was essential to establish all the detail relating to the career structure, the translation from an old to a new award, and I'm pleased to say, sir, that there has been several meetings between union and company representatives. Since that hearing we have devoted some - some expertise amongst our officials to those discussions, the focus of attention to date has been the establishment of classification definitions. I'm advised by the people representing us at those meetings that the discussions are well advanced and it is unlikely in my judgment that there will be any major obstacles in concluding that aspect of it and hopefully finalising the remaining issues within a reasonable period of time.

COMMISSIONER IMLACH: About the same as Mr Cooper's time frame do you think, Mr Hill?

MR HILL: Well as I indicated earlier, sir, broadly speaking I support his comments.

COMMISSIONER IMLACH: Thanks very much. Yes - Mr Best?

MR BEST: Yes, just - yes, Mr Commissioner, just a couple of points; I think you've had a fairly accurate summary. The main areas that are now outstanding is the areas concerning earning capacity apart from the - the minor details which - which obviously we need to tidy up as far as the document is concerned but the main area is earning capacity - future earning capacity.

I think Rex covered the point about training and I think what we need really is a bit of time further just to - just to get the matters finally resolved.

COMMISSIONER IMLACH: Thanks, Mr Best. Mr Lynch?

MR LYNCH: Thanks, Mr Commissioner, I support the foregoing speakers. The - there are some issues that are encompassed in the 'without prejudice' document that we need to address ourselves too, and it's certainly the case that we haven't had the time to do it as of yet. I won't touch on those points except to say that I'd support the idea of adjourning into conference in order to enable the progression to be discussed.

COMMISSIONER IMLACH: Thanks, Mr Lynch.

MR BECKER: While supporting the unions in their submissions, there are a number of - obviously some outstanding - some outstanding issues that we need - that we need to address. I, like Mr Cooper and Mr Hill and others don't see that those things are going to take weeks rather than months, but I think they can be worked through. There are just simply some anomalies in - in trying to come - trying to shift this - this particular award situation to the metals and once we get those ironed out and I'm sure we can be well down the track on those today, I don't think we'll be that far away.

COMMISSIONER IMLACH: Thanks, Mr Becker. Mr Costello?

MR COSTELLO: Thank you, Mr Commissioner. We totally support the position as put before the commission, Mr Commissioner, and in saying so we do have an anomaly - very minor - that we're in a position and under discussion with the parties and that relates to translation and they'll be a minor matter, Mr Commissioner. We will be doing it by agreement and/or reserve the right to have the commission to arbitrate and settle our differences. But I see it as being as a minor position and - situation and I think we can resolve it, Mr Commissioner.

COMMISSIONER IMLACH: So you'd be agreeable to an adjournment as well?

MR COSTELLO: Yes, thank you, Mr Commissioner.

COMMISSIONER IMLACH: Yes, right, Mr Costello. Now before we get back to the company, is it opportune then that we go off the record just to see where we are or - do you agree with that, Mr Cooper?

MR COOPER: Yes, Mr Commissioner.

COMMISSIONER IMLACH: We'll go off the record then, Mr Targett?

MR TARGETT: Yes, that's fine.

OFF THE RECORD

COMMISSIONER IMLACH: We'll adjourn till 3 o'clock.

INTO CONFERENCE

COMMISSIONER IMLACH: Right, thank you, gentlemen - who's to report?

MR BECKER: Mr Cooper can start.

MR COOPER: Am I? In terms of - commissioner, in terms of that time that we had available to us we have discussed a number of issues, one of which you're going to clarify for us before we meet again. The first thing I think that we need to report back is that we're not in a position to proceed today but I think we have agreed generally between us that we do need to set another hearing date and that would be something we'd like to do before we get too much further down the track.

We have had a detailed conference and we have discussed some 20 or 30 items at great length. As a result of that we have also agreed on some further briefing times which will occur for discrete sections of the plant. I don't want to go into too much detail in terms of what we have discussed other than to say I think we are in a position where we can actually talk to the membership with some degree of certainty that didn't exist this morning on some items.

We do need to clarify two items before - oh - one item before you in particular, and I'll raise that now, and that is the item of relativity for a store person in terms of the work that is carried out by that person. Now I'd put that to you at this point in time, that that item itself, if it is going to delay proceedings may be a reserved item that we address, and I think it would be simply a matter of having a look at the work that's carried out there and it should be a fairly straight forward situation to deal with.

I wouldn't want to hold up the whole agreement - or the whole award variation process as a result of that - of that item in itself.

And I don't think I need to deal with - with every discrete item that we have discussed other than - than to say that we do need to set a date and we do need to know when that is so we can organise meetings in between with the membership. If the commission pleases.

COMMISSIONER IMLACH: Thanks, Mr Cooper.

Well we will go off the record when we've heard from everyone else and settle that date if that's going to be the position. Now -

MR LYNCH: Do you want me to .... on that, Mr Commissioner? The position is that we, in the production single bathing unit, if you like, have had a discussion in relation to the quarry and some of the positions that were outstanding there. We've agreed to schedule the meeting for next Monday to actually progress some of those matters and I wouldn't like to see a hearing come on before next Monday for that reason. But frankly we're optimistic and we're looking forward to the future.

COMMISSIONER IMLACH: Thanks, Mr Lynch. Mr Best?

MR BEST: Well I really can't add much more than John Lynch has stated at this point in time. We again I guess are hoping to clarify once and for all at the meeting on Monday with the delegates - unfortunately it was a gazetted rostered day off today on the site and some of our members in the quarry area who would have been able to participate today unfortunately aren't on site - they will be on Monday - we'll be able to process a few of those finer details hopefully to some sort of satisfaction on that Monday. Thanks.

COMMISSIONER IMLACH: Thanks, Mr Best. Mr Hill?

MR HILL: Yes, Mr Commissioner, my union's in much the same position as the previous speakers and a little more time may prove quite useful. Thank you.

COMMISSIONER IMLACH: Good. Mr Becker?

MR BECKER: Mr Commissioner, we're - we have had a lunch time meeting with a few members that were on site and I think given the fact that we're pretty well down the track we're not that too far away.

COMMISSIONER IMLACH: Good, thank you. Mr Costello?

MR COSTELLO: Thank you, Mr Commissioner. Yes, I do support the comments to date, Mr Commissioner, and just to report that we have met the other parties involved. We are in a position where we will be proceeding and are in a position to proceed with the translation that could have created or may have been a problem will now be resolved by agreement. Thank you, Mr Commissioner.

COMMISSIONER IMLACH: Thanks, Mr Costello. Well now, Mr Targett.

MR TARGETT: Thank you, commissioner. From the employer's perspective I'd report that there have been further



discussions today. I understand further discussions are scheduled. At this point in time there is no agreement between the parties as to award variations and we reserve our rights for arbitration if that's necessary in the future.

COMMISSIONER IMLACH: Right, thanks, Mr Targett. We'll go off the record and fix a time.

OFF THE RECORD

COMMISSIONER IMLACH: Well thank you, gentlemen. Is there anything else? We've fixed the date. Nothing else? Well we'll resume here at 10.30 am on Thursday 19th. This matter is adjourned.

HEARING ADJOURNED