

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

T No. 2756 of 1990

**IN THE MATTER OF** an application by  
the Association of Draughting,  
Supervisory and Technical  
Employees, Tasmanian Branch for  
the making of the Metal and  
Engineering On-Site (Tasmania)  
Construction Industry Award

COMMISSIONER WATLING

HOBART, 17 February 1992  
continued from 3/12/91

**TRANSCRIPT OF PROCEEDINGS**

Unedited

COMMISSIONER WATLING: I'll take appearances please.

**MS S. PAVLIC:** If it please the commission, PAVLIC S., appearing on behalf of the Federation of Industrial Manufacturing and Engineering Employees.

COMMISSIONER WATLING: Let the record show that there's no other appearances, and let the record show also that I'm not impressed that other organisations notified of this report-back, (a) could see themselves not fit to attend, and (b) that they didn't even have the common courtesy to convey to the commission except for the Metal Workers - Metal and Engineering Workers Union who I'll deal with later - to attend or inform the commission that they weren't going to attend.

It seems to me a lot of these parties want the commission to jump to attention when they want to, but can't even convey the common courtesies of their non-attendance to important matters such as making of a new award to the commission.

Anyway I will deal with that in my own time. Now we have received a brief report from Mr Baker, the Assistant State Secretary for the Metal and Engineering Workers Union who did call to see me on Friday and tell me that he was going to leave the state some time this morning, but I've since received a message that he got notified by the airways that his plane was to leave earlier than this hearing. So, I'll get my associate just to read into transcript the note that we have received from him. It's not normal practice to do business by correspondence, but in the circumstances, I think we'll have a listen to Mr Baker's comments.

ASSOCIATE: Mr Commissioner, it is not the intention of the applicant to proceed with this application any further today. I can report that discussions have been and are continuing between the unions and the employers, however there are some issues which are the subject of some negotiations still requiring clarification. Both negotiations require both national and state input. This proposal needs to be considered in conjunction with the Metals and Engineering Award. That award has been made in title and scope. Interest will be determined this week.

A new integrated salary structure comprising professional, technical trades, semi-skilled and clerical employees has been developed. A modernisation of the conditions of existing Mechanical Engineers and Founders Award has been undertaken. It is anticipated that following some discussions with the TCI, we ought to be in a position to finalise that award in a relatively short period of time. The Mechanical Engineers and Founders Award would then be repealed.

In order to overcome any difficulties which may arise over the issue of award-free employees relating to construction work,

it is proposed to seek by way of regulation a similar coverage as currently applies to the Mechanical Engineers and Founders Award. We would then be free to move to create the new on-site Construction Award in whatever form it takes as events unfold. I would therefore request that these proceedings be adjourned to allow further consultation to occur between the parties.

Signed, Phillip Baker, Assistant State Secretary.

COMMISSIONER WATLING: Right, well we've heard the comments of Mr Baker. Ms Pavlic, have you anything to add to that?

MS PAVLIC: Commissioner, we would have no objections to an adjournment in light of Mr Baker's absences. I personally haven't had any dealings in this award. Mr Long from our organisation has, but unfortunately he's also detained in another hearing this morning, so we would seek - support the application for an adjournment at this stage.

COMMISSIONER WATLING: Right. Well as there's nothing further to put, we'll put this matter on hold and it's obvious to me that some of these questions will be raised when we deal with the question of the Metals and Engineering Award - it's the off-site award, because there's no doubt once that award is made, the Mechanical Engineers and Founders Award will be repealed, so those people currently in the construction area will be award-free. So it will raise its head during the course of those hearings anyway.

So one question that I think is still unanswered even from this report-back is the status of the ETU because the ETU did inform the commission that they were going to be part of this on-site award, yet in another hearing they appeared before me requesting that something be done in a separate manner for on-site people.

Now part of this report-back was to even ascertain their position and to ascertain whether or not it had changed from the last report-back. However, they haven't seen fit to grace us with their company and maybe future proceedings in the Electrical Engineers Award may be hampered because we haven't any answers in relation to this matter.

So the request for an adjournment to enable further discussions to take place in line with Mr Baker's written submission is agreed to. Thank you.

HEARING ADJOURNED