TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T No. 5178 of 1994

IN THE MATTER OF an application by The Australian Workers' Union, Tasmania Branch to vary the Roadmakers Award

re structural efficiency, 2.5 per cent increase to wage rates

COMMISSIONER IMLACH

HOBART, 20 June 1997
continued from 12/5/95

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: Any change in appearances, is there?

MR G. COOPER: If the commission pleases, I appear for the Australian Workers' Union, Tasmania Branch, COOPER, G.

MR T. BENSON: If the commission pleases, TONY BENSON. I appear for the Construction, Forestry, Mining and Energy Union.

COMMISSIONER IMLACH: Thanks, Mr Benson.

MR J. GILL: If the commission pleases, JACK GILL is my name. I appear on behalf of the Transport Workers' Union of Australia, Tasmanian Branch.

COMMISSIONER IMLACH: Thanks, Mr Gill.

MR I. PATERSON: If the commission pleases, IAN PATERSON, appearing for the Australian Municipal, Administrative and Clerical Services Union, Tasmanian Branch.

COMMISSIONER IMLACH: Mr Paterson, thank you.

MR S. GATES: If it pleases the commission, GATES, S.J., from the Tasmanian Chamber if Commerce and Industry.

COMMISSIONER IMLACH: Thanks, Mr Gates. Well, Mr Cooper.

MR COOPER: Commissioner, the first thing we'd like to do is thank the commission's indulgence this morning in allowing these proceedings to start at a delayed time. The second thing is, we would like to advise the commission that this award - I understand the file was closed and I thank the commission for reopening that because it was a misunderstanding that it was closed.

I would like to provide some history to this file, so that we can proceed to conclusion with the matters that are listed in the file and they are, that at the time of the making of the first application, the unions and the employer agreed on a set of restructured classifications and restructured conditions but as we came to the commission to finalise the matter, the classifications became something that we disagreed on and the rates of pay.

Given that the work was done, the parties proceeded to restructure the award in terms of all conditions and I think several allowances in the award were moved at the time and were subsequently tidied up. What we have now though, is a restructured award that still contains in it wage rates pre 2.5 per cent structural efficiency increase and I also understand, on my advice, that the second structural efficiency wasn't paid as well so what we've done is, the union - the AWU has met on several occasions with the employer with a view to bringing the classification structure in the award in line with the level playing field that now is present in the civil construction industry.

Now, to do that, obviously there is a significant amount of work that had to be done in bringing to the award a national classification structure and then modifying it to suit the Tasmanian circumstances.

Now, in terms of that process, it was one that was started before, I note, Mr Paterson from the ASU was about and part of the agreed process was that clerical classifications as such would be deleted provided that a single classification for a site clerk was included in the award. Now, that site clerk is someone who actually is available at a site office on a construction project and attends to the daily administration of invoices and the like.

Now, we had agreement with the ASU before Mr Paterson's time that that would happen and we advise today that that is still the case. We would like that to happen, where we include a new definition, site clerk, and delete all clerical definitions. Therefore any other work that is performed other than a site clerk would come under, obviously, the key award of that union which is the Administrative and Clerical Award.

In terms of then marrying a national classification structure with a state award, further work still needs to be done in terms of the transport classifications and we don't quite have agreement on all of that. The rest of it, as far as the AWU's concerned and the TCCI, we generally have agreement to the development of a classification structure that reflects, in the main, the national structure with six construction worker grades and then three plant operator grades and some inclusion in that main operator structure of mobile cranes.

So we have general agreement on that but obviously the matter has been resting in abeyance and it is something that we need to bring back on and obviously it would need to be programmed in with the commission and preceding the final hearing on it, we would obviously need to have a discussion with all the parties to get agreement on the classification structure that should now be incorporated into the award as part of the structural efficiency exercise.

So, commissioner, I provide those submissions as a background to you, to bring you up to speed. We would obviously like to hear from the other parties, but we would suggest that, after having received the reports, that this matter be adjourned to an agreed date where we can actually proceed to implement a revised classification structure consistent with the structural efficiency principle. That concludes my submissions, commissioner.

COMMISSIONER IMLACH: Thanks, Mr Cooper. Mr Benson, do you want to say anything about all that?

MR BENSON: Just, commissioner, that we look forward to the discussions that the AWU are referring to.

COMMISSIONER IMLACH: That's reasonable. Mr Gill.

MR GILL: Yes, commissioner, we agree with what Mr Cooper has said and the timetable and the proposed meetings and support that. Thank you.

COMMISSIONER IMLACH: Thanks, Mr Gill. Mr Paterson.

MR PATERSON: If the commission pleases, this file didn't come across to me when I picked up the work in the clerical and admin area of the union, but it pleases me to hear the point that was reached earlier and I can indicate that that is very much in line with the union's thinking as it still continues and clearly it would be involved up until the point the award was changed. I guess at that stage if it had contained only a site clerk and the general clerical classifications were effectively extracted by those people covered by the Clerical and Admin Award, we'd probably review our position as whether we still required an interest in the award and we'll cooperate positively both in exploring how this process works and achieving the end in this particular matter.

COMMISSIONER IMLACH: Thanks, Mr Paterson. Mr Gates.

MR GATES: Yes, thanks, commissioner. I'd say firstly, that we consent to the course of action proposed by my colleague, Mr Cooper, but I do foreshadow they may be a bit pre-emptive to say what the exact form of content of that classification structure is, other than to say, there is a broad understanding as to the types of things that will be dealt with in that structure.

I mean, obviously, that is a matter that will be dealt with in discussion between the parties to the award. If it pleases, commissioner, I have nothing further to say.

COMMISSIONER IMLACH: Yes. Thanks, Mr Gates. I wouldn't have expected you to say anything else, really. Nothing else, Mr Cooper?

MR COOPER: No, commissioner.

COMMISSIONER IMLACH: Well, what about the date? I'd prefer it myself, that the parties met and then advised me that they were ready to go.

MR COOPER: Well, what we would like then, commissioner is, we'd like some understanding from these proceedings that we should meet within a fortnight and then report back at the conclusion of that meeting to yourself.

The reason we say that is, that this award as far as my union was concerned, started to be restructured in '91. It went through a bit of a hiatus in the meantime. We have actually achieved something in terms of conditions but we now do need to proceed fairly quickly on the classification structure and we would seek the assistance of the commission to ensure that process is one that's continued through to finality and I say that because, at times, both parties do need prompting to finish these things.

COMMISSIONER IMLACH: Yes. I quite understand, Mr Cooper. We'll go off the record for a minute, thanks.

OFF THE RECORD

COMMISSIONER IMLACH: Thank you, gentlemen. The parties will meet together, I understand, on the 9th July, but in any case this hearing will be resumed on Wednesday 16th July at 10.30 am and we'll proceed from there. Thank you.

HEARING ADJOURNED