

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 3 December 1991
continued from 15/11/91

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER WATLING: I will take appearances in those matters, please.

MR P. BAKER: Sir, I appear on behalf of the Metals and Engineering Workers' Union, P. BAKER.

COMMISSIONER WATLING: Thank you.

MR J. LONG: Sir, J. LONG, appearing on behalf of FIMEE.

MR T.J. EDWARDS: If it pleases the commission, EDWARDS T.J, I appear for the TCI and MIAT.

COMMISSIONER WATLING: Thank you. Right, now maybe if we can just sort out right at the start which application we are going to deal with first.

MR BAKER: Well, perhaps, sir, if we dealt with the -

COMMISSIONER WATLING: Because from hereon in they will start to become separate matters.

MR BAKER: Yes.

COMMISSIONER WATLING: I have been listing them together mainly to get progress reports, but I think we are getting to the stage where we need to make sure that they run their separate course.

MR BAKER: Very much so, sir. In relation to the On Site Award, I have -

COMMISSIONER WATLING: Right, so we are dealing with application 2756 of 1990 - that is the first step, right.

MR BAKER: I have made available to your associate a copy of a draft document dated the 23/10/1991.

COMMISSIONER WATLING: Right, well I will just examine the exhibits here - have you any idea where we are up to? It looks like we have got a B.1 there.

MR BAKER: I think I am up to B.2, sir, from memory.

COMMISSIONER WATLING: Right, we will mark this B.2.

MR BAKER: I am sorry, sir, it will have to be B.3 - I have a B.2 so -

COMMISSIONER WATLING: Oh, right.

MR EDWARDS: Have you got the right case number?

COMMISSIONER WATLING: Which one is B.2?

MR BAKER: Well, B.2 was a document which we presented some considerable time ago. Unfortunately, I do not have a date on it -

COMMISSIONER WATLING: What is the heading on it?

MR BAKER: - but it would have arisen out of the hearing on the day of the 27th of March 1991 - no, it did not, sir, quite frankly. I will try the next -

MR EDWARDS: Is it just one page?

MR BAKER: No, it is a document which was a scope clause.

MR EDWARDS: I have in my file, commissioner, a document titled B.2 which was handed to the commission on the 1st day of May of this year which deals with the Metal and Engineering On Site (Tasmania) Construction Industry Award and it runs for some six pages.

COMMISSIONER WATLING: I have got that marked B.1 - is that title and scope?

MR EDWARDS: Title, scope, arrangement, date of operation.

MR BAKER: That is the one that I have got marked as 2 - I do not have a 1.

MR EDWARDS: I had B.1, commissioner, as the off site one. Unfortunately, because we have been having the hearings together, both exhibits handed up that day were numbered sequentially, B.1 on the 1st of May was the Off Site Award and B.2 was the On Site Award - the way I have marked them anyway.

MR BAKER: Yes, I have marked them the same.

COMMISSIONER WATLING: Well, that is the problem I have joining them like this - I have got B.2 as the Construction On Site Award.

MR BAKER: Yes. Well, perhaps it is just as easy for us -

COMMISSIONER WATLING: Right, well hang on, it is just that I have got them in the wrong file.

MR BAKER: Perhaps if we just simply - we will change our exhibit numbers and we are in business.

COMMISSIONER WATLING: Right, we will mark this -

MR BAKER: Three.

COMMISSIONER WATLING: - Yes, mark it B.3. Yes, because I think the on site one here is B.2 that I have. Right.

MR BAKER: B.3 is a document which we have prepared and circulated to the parties following a meeting between the TCI, the other respondent organisations to the current mechanical engineers and founders, plus a couple of others, and we have simply circulated that for discussion. Now, unfortunately, time has not permitted us to discuss the contents of the scope clause in detail, but I would suggest to you that following what we will put to you as far as the Workshop Award is concerned we are in fact almost in a position where we can reach some agreement.

On page 2 of the document, there is the savings provision in so far as it relates to on site agreements and that was discussed at the last hearing but, unfortunately as yet, I have yet to have that phrase deleted from the wordprocessor as yet. But the scope clause, as I said, has been sent out for discussion and I would think that, sir, that that will form 99 per cent of the basis for the making of the award in the new year.

COMMISSIONER WATLING: So, do I detect that you are not proceeding today with it?

MR BAKER: No, at this stage, sir, on this one - this will, if you like, sir, follow one hearing behind. This one will be up and hopefully all going well, we will put to you the scope clause in so far as the Workshop Award is concerned this morning and -

COMMISSIONER WATLING: That is the Off Site Award?

MR BAKER: - That is the Off Site Award. Now the On Site Award will follow directly into the new year.

COMMISSIONER WATLING: Right. So you want adjournment of this matter?

MR BAKER: Yes, thank you.

COMMISSIONER WATLING: Right. Application for adjournment, Mr Long, are you happy?

MR LONG: Yes, we'll support that, sir.

COMMISSIONER WATLING: Mr Edwards.

MR EDWARDS: No objection, commissioner.

COMMISSIONER WATLING: Right. Well, this application is adjourned. Do we want to look at a date in the new year or are you happy to contact me when you are ready to go?

MR BAKER: I think it might be easier if I was to contact you because, as I understand it, the three principle parties before you today will not be back until the end of January, so -

COMMISSIONER WATLING: Right. Well, the matter is adjourned sine die.

HEARING ADJOURNED SINE DIE