

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T No. 5455 of 1995

IN THE MATTER OF an application by the
Automotive, Food, Metals, Engineering,
Printing and Kindred Industries Union to
vary the Automotive Industries Award

re restructure conditions component of
award

COMMISSIONER GOZZI

HOBART, 28 April 1995

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: Appearances please.

MR P. BAKER: Sir, I appear on behalf of the Automotive, Food, Metals, Engineering and Printing and Kindred Industries Union; P. BAKER.

COMMISSIONER GOZZI: Thank you, Mr Baker.

5 **MR J. LONG:** If the commission pleases, JEFF LONG and I appear on behalf of the AWU-FIME Amalgamated Union.

COMMISSIONER GOZZI: Thank you, Mr Long.

MR R. JOYCE: If the commission pleases, I appear for the Tasmanian Automobile Chamber of Commerce - JOYCE, R.

10 COMMISSIONER GOZZI: Thank you, Mr Joyce.

MRS H.J.DOWD: If the commission pleases, I appear on behalf of the Australian Municipal, Administrative, Clerical and Services Union - DOWD, H.J.

COMMISSIONER GOZZI: Thank you, Mrs Dowd.

15 **MR T.J. EDWARDS:** If it please the commission, EDWARDS, T.J. I appear for the Tasmanian Chamber of Commerce and Industry and the Metal Industry Association of Tasmania.

COMMISSIONER GOZZI: Very good, Mr Edwards. I haven't seen you lately.

MR EDWARDS: I keep hiding from you, sir.

COMMISSIONER GOZZI: Now, Mr Baker.

20 **MR BAKER:** Thank you, sir. This application, sir, arose as part of the processes which were put in place some considerable time ago about the restructuring of the Automotive Industries Award. As you are well aware, sir, there was extensive discussions - consultation last year which resulted in the wage rates and the classification structure pertaining to the award being varied last year. And indeed
25 there was a supplementary decision in January of this year.

This area is part 2, if you like, of the ongoing process to look at the conditions of service component of the award. I have made previous comments in relation to the current structure of the award. There are a number of components to the award which relate to different sectors of the industry. A number of those sectors provide different
30 standards insofar as the conditions of employment are concerned. The award is somewhat deficient in that it still contains references to female employees. There was one entire section in the award which relates to the K-Mart which in fact has no application at all as the company are cited under the federal - federal award and - and in that - with that in mind, the union in fact did undertake and did have some
35 discussions with the TCCI back in 1993 and early 1994. And to that end I would hand up a document which has sort of outlined some - where we got to as far as the discussions were concerned.

COMMISSIONER GOZZI: We'll mark that exhibit B.1. It's still warm, Mr Baker.

40 **MR BAKER:** Yes. Yes, I - it came off the press at twenty past 10:00 - I forgot about it. That's all I can -

COMMISSIONER GOZZI: She's a ripper.

MR BAKER: Mr Edwards - a timely reminder from Mr Edwards got the mind into gear and -

COMMISSIONER GOZZI: Oh well, that's good.

5 MR BAKER: This document, sir, arose out of the series of discussions between the unions and the TCCI and then as a consequence of those discussions there were some discussions which occurred between Mr Edwards of the TCCI and myself and if you look through the document you will find in fact there are some notations which relate to - in brackets - TE to develop an alternative position.

COMMISSIONER GOZZI: All right.

10 MR BAKER: Or there are comments like unions are to respond.

COMMISSIONER GOZZI: Right.

MR BAKER: Unfortunately, sir, circumstances and time have overtaken us -

COMMISSIONER GOZZI: Right.

15 MR BAKER: - but I simply tender the document to show that in fact there was some considerable work done on the documentation at that time.

Whether it is now appropriate to continue that process of taking all the sections of the award and rolling them into one from the current award basis or whether we take the federal RS & R Award and incorporate it into the state award making the necessary adjustments to reflect the state differences, is, I think, perhaps a matter which should be discussed between the parties.

COMMISSIONER GOZZI: Mm.

MR BAKER: Because certainly there is some merit in having a look at the - a number of the provisions that exist in the RS & R Award, particularly insofar as they relate to such things as the opening hours for service stations and the like.

25 COMMISSIONER GOZZI: Right.

30 MR BAKER: And since something like 60 per cent of the service stations are currently under the federal award, I mean it does seem almost logical that we should sort of go that way in that regard. But as I said, sir, that's really a matter, whilst I think it ought to be discussed between the parties as to one of the two ways that we adopt, either taking the existing award as we did here initially and simply take all those sectors of the award and try and roll them into one or, alternatively, we take the RS & R Award, use it as the base, and then make the necessary adjustment to it to reflect peculiarities which simply arise in Tasmania.

35 What I would propose, sir, and I haven't discussed this in a formal basis with my colleagues or with the employers, other than informally having discussed it previously when we were before you in as far as the wages structure was concerned -

COMMISSIONER GOZZI: Right.

40 MR BAKER: - was that I would propose that there be an initial meeting between the parties to thrash out the direction which we're going to go and then I would propose that there be a series of conferences under your chairmanship to bring the matter to a speedy conclusion.

COMMISSIONER GOZZI: Mm.

MR BAKER: I - and I don't mean this in any derogatory respect to either my colleagues or to the employers, but an exercise like this does have the ability to sort of drag on for some considerable time and I would like to try and bring this matter to some sort of conclusion so that there is an award which does offer everybody who works in the industry an equality of employment which is not there at the present time or is there dependent upon where you work, and if your employer - or alternatively if your employer belongs to the TACC. And that's something which I think - you know - which we did address as far as the wage rates are concerned and now that's where I'm looking to seek to achieve as far as the condition side of the award is concerned.

So that's - I

COMMISSIONER GOZZI: Well that's commendable.

MR BAKER: - subject to any sort of comments from yourself, that really is my submission this morning, sir.

COMMISSIONER GOZZI: No, no, that sounds appropriate. Thank you, Mr Baker. Mr Long.

MR LONG: I've got nothing further to add except to support the submission of Mr Baker, that we do enter into the process of meeting and conferences to bring this matter to fruition.

COMMISSIONER GOZZI: Very good. Mrs Dowd?

MRS DOWD: Mr Commissioner, I support the submission put by Mr Baker in relation to the meetings and conferences.

COMMISSIONER GOZZI: Thank you. Mr Edwards.

MR EDWARDS: Thank you, commissioner. Commissioner, it's probably an appropriate time to indicate that my appearance in this matter is, I guess by way of a brief cameo. I don't intend to take the matter back over from Mr Targett who is the officer within TCCI charged with the responsibility of looking after this particular industry and that will continue. Unfortunately Mr Targett had a matter before Commissioner Watling in Launceston today, hence I'm standing in his shoes, as it were. From the point of view from TCCI however, I can indicate that we do agree with the process that has been outlined by Mr Baker, and in saying that I specifically am indicating that we agree there be some initial meetings between the parties in which we will determine a particular direction in which we will take in the pursuit of examining the conditions matters within this particular, award and then we would have no objection to a series of conferences chaired by the commission or otherwise with a view to bringing about a relatively speedy resolution to the reviewing of the conditions matters in this award.

I take particular note of Mr Baker's submission that he's seeking equality of employment between people covered by the state and federal award and I hope he genuinely means that because there are some matters that we will raise in that context that will go against his members. I'm hoping he's equally pursuing those as he might be those that will gain a benefit for his members. However that remains to be seen as part of the conferences and will test the genuineness of that particular statement.

I certainly agree that this award is in need of some review. There are certainly deficiencies in there and Mr Baker has highlighted but two of them in his brief

submission this morning. So having made those particular submissions we would agree with the process that's been outlined by the applicant and are prepared to follow that process. If it please the commission.

COMMISSIONER GOZZI: Yes, thanks, Mr Edwards. Now Mr Joyce.

5 MR JOYCE: If the commission pleases, perhaps just as a thumbnail sketch, the TACC was not directly involved with the prior discussions in '93 and '94 that did involve the - Mr Baker and Mr Edwards. However, what the TACC's aim has always been is to see if it's possible to bring awards in state and federal jurisdictions up to the mark, as it were.

10 We would support the proposal put by Mr Baker this morning and we it's a positive initiative to see if we can bring this award into standing with a number of other state and also federal awards.

COMMISSIONER GOZZI: Very good, Mr Joyce. Oh well, that sounds like a bit of discussion needs to take place. We'll go off the record and we'll put in some dates.

15 **OFF RECORD**

COMMISSIONER GOZZI: These proceedings are adjourned to the 19th June for report back and I wish you the best of British luck.

HEARING ADJOURNED