

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 15 November 1991
continued from 27/8/91

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER WATLING: I will take appearances in T.2756 of 1990, which is an application for making of a new Metal and Engineering On Site (Tasmania) Construction Industry Award.

MR P. BAKER: Sir, I appear on behalf of the Association of Drafting, Supervisory and Technical Employees, P. BAKER.

MR J. LONG: If the commission pleases, LONG J, for The Federated Ironworkers' Association.

COMMISSIONER WATLING: Right - you are seeking to intervene in this matter? You will have to because there are no parties to the award and you are not an applicant.

MR LONG: Oh yes, well I would seek to intervene.

MR D. PYRKE: If the commission pleases, DARRYL PYRKE, appearing on behalf of the Association of Professional Engineers, Australia, which is an organisation that seeks leave to intervene.

COMMISSIONER WATLING: Good, thank you.

MR PYRKE: Sir, could I just clarify the T. number of this. I think you mentioned T.2756 relating to the Metal and Engineering Industry Award and I believe it might be T.2757.

COMMISSIONER WATLING: No, I am talking about T.2756 which is the making of a Metal and Engineering On Site Construction Industry Award.

MR PYRKE: In that case, can I withdraw my intervention in this matter, please. My interest is only going to be in the Metal and Engineering (Tasmania) Award.

COMMISSIONER WATLING: Right.

MR S. CLUES: If it pleases the commission, I appear on behalf of the Tasmanian Confederation of Industries, CLUES S.

COMMISSIONER WATLING: Good, thank you.

MR M. TELHA: If the commission pleases, I seek leave to intervene on behalf of The Building Workers' Industrial Union and The Federated Engine Drivers' and Firemen's Association. Sir, at the moment, I have not a letter of authority for the FEDFA but I believe that they are faxing that authority through this morning -

COMMISSIONER WATLING: Right, thank you.

MR TELHA: - TELHA M.

COMMISSIONER WATLING: Right. No other interveners? Right,

Mr Baker, have you had discussions with the respective employers and unions that maybe affected by this particular award?

MR BAKER: Sir, given the nature of the hearing this morning, I thought it maybe appropriate if we dealt with both matters simultaneously or, alternatively, we deal with one matter and simply when the second matter is listed for hearing - simply indicate that those discussions will be identical to the previous one.

COMMISSIONER WATLING: Yes. They are going to be separate awards -

MR BAKER: Yes.

COMMISSIONER WATLING: - so we are going to have to look at a separate - the arguments on a separate title and scope and there will be people, if their application is successful, then seeking an interest in separate awards so I am not too sure that we can officially join them because they are two separate matters. But I am quite happy to use similar arguments.

MR BAKER: Yes, well they will be identical.

COMMISSIONER WATLING: Right. But I will have to deal with the files separately because different organisations may seek an interest if the application is successful in the respective awards.

MR BAKER: Fine. Well, sir, to commence with, this application arose as a result of matters T.2317, T.2376, T.2553, T.2611, T.2613 of 1990 in submissions before you in the Mechanical Engineers and Founders Award and I quote from page 4 of your decision, sir, in that matter: The commission was also informed that the parties were committed to the creation of a new Metals and Engineering Award with a classification structure et cetera. And it goes on to say that those awards - sorry, sir - that that award would incorporate the Mechanical Engineers and Founders Award and the Electrical Engineers Award as an ongoing process committed to restructuring the award as it stood at the present time.

Sir, at this point in time, we have not had any detailed discussions with The Tasmanian Confederation of Industries nor other respondent or possible respondent organisations to the award, and it would be our intention today, sir, to seek an adjournment of these proceedings in order that that - that those discussions can take place and that we can come back before you at a later date with, hopefully, the scope and the name of the award to be dealt with by yourself.

COMMISSIONER WATLING: Right. Can I just make the following point - I think it is important to have a talk to the other

unions that may seek to intervene in this matter. If you can sort out some of those problems now, it means that we are not going to be dealing with them if your application is successful when we get to the parties and persons bound question.

MR BAKER: I agree with you, sir, and that would be our intention. I think perhaps I should also place on record, so it is quite clear, that the scope and content of the proposed new award would mirror the Federal Metals and Engineering On Site Construction Award, in so far as the scope clause is relevant to Tasmania.

There are some parts of the scope which relate, for example, to the construction of power stations in New South Wales that is totally irrelevant for Tasmania. But, other than that, it would be our intention to develop the award in identical terms.

COMMISSIONER WATLING: Right. And I noted the engineers did not seek an interest in this particular matter - professional engineers - so I take it that you are only going to go to certain levels within this new award.

MR BAKER: At this stage, sir, it is my understanding that that award only goes as far as - encompasses trades - non trades and technical staff.

COMMISSIONER WATLING: Right. There is an application submission for an adjournment - any disagreement with that? Mr Clues.

MR CLUES: I have no opposition to an adjournment at this point of time, Mr Commissioner.

COMMISSIONER WATLING: Right. Well, I am going to adjourn this application to enable further discussions to take place and it will be relisted at some in the future after I hear from the applicant.

HEARING ADJOURNED