

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T. No. 4146 of 1992
T. No. 2225 of 1989
T. No. 2311 of 1990

IN THE MATTER OF an application by
the Australian Social Welfare
Union to vary the Community
Services Award

re making of a new award

COMMISSIONER GOZZI

HOBART, 1 September 1993
continued from 11/5/93

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: Could I have appearances in that matter please.

MR I. PATERSON: If the commission pleases, IAN PATERSON, appearing for AMACSU.

COMMISSIONER GOZZI: Thank you, Mr Paterson.

MR W.J. FITZGERALD: If it pleases, I appear on behalf of TCCI, FITZGERALD W.J.

COMMISSIONER GOZZI: Thank you, Mr Fitzgerald. Mr Fitzgerald, just before I ask Mr Paterson to proceed, isn't there an application still alive from the TCCI?

MR FITZGERALD: Probably the TCI at that time.

COMMISSIONER GOZZI: Sorry, TCI.

MR FITZGERALD: I think - yes, from recollection, I'd have to go back through my file. I think we made the initial application and that was followed by a counter application by the union at that time. Numbers would escape me, in fact, probably it's an earlier file but, yes, certainly that is the case, commissioner.

COMMISSIONER GOZZI: But that file is still alive, isn't it?

MR FITZGERALD: I don't think there was any change to that. Mr Paterson might be able to assist.

MR PATERSON: The notice of hearing gives three T numbers, the first of those would be the TCI application, the second the ASWU -

COMMISSIONER GOZZI: Yes, it's just that -

MR PATERSON: - the third, I think -

COMMISSIONER GOZZI: It's just they haven't been called. It's 2225 of 1989.

MR PATERSON: That's right.

COMMISSIONER GOZZI: Yes, that's the one. Okay, well as long as the record will show that those applications - they should, in fact, be called. Those applications are still part of these particular proceedings, so I'd request audio to make sure that the front cover shows that. Mr Paterson?

MR PATERSON: Mr Commissioner, the stage we're at now is that following our last hearing we were basically going to see what happened with respect to federal award proceedings. It is my understanding that there was something like 8 days of hearings

set down for the federal Social and Community Services Award, which only proceeded for half a day. There were objections from - objection to the award being made from the governments of Queensland, Victoria and New South Wales and foreshadowed 111(1)(g) applications by employers. I have no further detail on those proceedings available to me, but clearly on the basis of that and on the comments you made at the last hearing, that that will no doubt lengthen the horizon, make the horizon further away in terms of when that federal award would be made.

So it's our intention to, in asking you to bring this matter back on, have this state award proceed, given that that will be later rather than sooner. The difficulty we have today is that the are not present and have indicated to the union that they wish to be present. I'll leave the submissions on that matter to Mr Fitzgerald. I believe at this stage we need to be timetabling and getting down to a bit more nitty gritty in terms of where we are with agreements in respect to the positions that have been put by the union to the TCCI, and scheduling the hearing dates for matters that need to go to arbitration or conciliation with your involvement.

COMMISSIONER GOZZI: All right, thanks, Mr Paterson. Mr Fitzgerald?

MR FITZGERALD: Yes, thank you, commissioner. Yes, I think I can indicate in response what the position of the employer organisation, that is I have had discussions with Dr Raynor. Given the uncertainty of the federal award proceedings, my instructions are, in fact, are to proceed with this matter. Regrettably, Dr Raynor is unavailable to be here today. If he had been here I think we could have progressed some of the agreed matters and non agreed matters and just reassess where we are because we have had a number of discussions in the past and postponed it for different reasons. And I think it's just a matter of reassessing - clarifying positions, various positions.

Unfortunately that was unable to be done today or just prior. You may or may not be aware that Dr Raynor has, in fact, accepted a position interstate and I know that prior to him actually taking up that position he would wish to proceed with this matter as much as possible.

We have tentatively set some days aside in the week starting 20 September for those discussions. I have had no more discussion with Dr Raynor other than the agreed process. But certainly we're anxious - I assume just as anxious as the ASU to proceed with those discussions, put to the commission agreed matters and seek to resolve those unagreed matters either by conciliation - either by negotiation or with the assistance of the commission.

At some point I would think, given the nature of the matters, that the commission's services will be required for arbitration of some items, hopefully few items, at this time. So we'd be seeking some sort of scheduling, as Mr Paterson has suggested, to further progress this matter.

COMMISSIONER GOZZI: All right. Well what are you both suggesting now at this stage, that I adjourn this matter, till when?

MR PATERSON: Well given that probably - I don't know what your commitments are like. My diary is fairly open and I can lock these in as a matter of priority. Mr Raynor did indicate that there was actually some documentation of the employer position. I don't know whether Mr Fitzgerald is able to provide that or wishes to keep that to the negotiating stage, if you like. Maybe the best in that circumstance that we can do is identify a number of the earliest possible dates and seek to confirm them as soon as possible.

COMMISSIONER GOZZI: All right, thanks, Mr Paterson. We'll just go off the record for a moment.

OFF THE RECORD

COMMISSIONER GOZZI: Well on the basis of our off-the-record discussions I'll adjourn these matters to 18, 19 and 20 October. The intention is that the parties would negotiate between now and that date to resolve as many issues as possible. The opportunity to involve the commission is there, as we've discussed off the record, if you need to get some guidance from the commission. It's just a case of making that approach.

I really do see those three dates that we've locked in to be the end point in the award making process and really to all intents and purposes, apart from any conciliation - last minute conciliation, and I emphasise last minute conciliation, that might take place on those days, I would see the matters being arbitrated on those days and the decision to follow after that. So we'll adjourn on that basis. Thank you.

HEARING ADJOURNED