



TASMANIA

*Tasmanian Industrial Commission*

Industrial Relations Act 1984

T No. **9482 of 2001**

**IN THE MATTER OF** an application by  
the Australian Mines and Metals  
Association (Incorporated) to vary the  
Metalliferous Mining and Processing  
Award

Re: variation of award

COMMISSIONER IMLACH

HOBART, 9 October 2001  
Continued from 7 August 2001

**TRANSCRIPT OF PROCEEDINGS**

Unedited

(**WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY**)  
(**ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS**)

**HEARING RECOMMENCED 10.30am**

COMMISSIONER: I'll take appearances.

**MR W.J. FITZGERALD:** Yes, again, Mr Commissioner, I appear on behalf of Australian Mines and Metals Association Incorporated -  
5 FITZGERALD W.J.

COMMISSIONER: Thanks, Mr FitzGerald.

**MR I. WAKEFIELD:** If it pleases the commission, appearing for the Australian Workers' Union, Tasmania Branch - WAKEFIELD, IAN.

COMMISSIONER: Thanks, Mr Wakefield. Yes, Mr FitzGerald?

10 MR FITZGERALD: Sadly I can't report a great deal of progress, commissioner, and I'm sure you'll be disappointed with that. I'm not in any way wanting to make any excuses, but certainly the work which we've been doing with the AWU has been fairly significant and some dismissal cases which have taken a lot of time, but also one project  
15 which has taken us a lot of time recently and has priority at the moment as both ourselves and the AWU and the AMWU are involved in the Duke Energy Construction Project and given the economic importance of that to Tasmania we're giving that priority.

20 That's not to say that this should be shoved in the background. It's not, but unfortunately I can't report progress - significant progress.

I had some discussion with Mr Flanagan this morning. I have had no communication whatsoever from the CEPU or the AMWU on this matter in respect to today's hearing, but I had some discussion with  
25 Mr Flanagan this morning and Mr Wakefield and given that the other two unions aren't here, my suggestion is that - and particularly given our workload with the other project I mentioned which is coming up - my suggestion is that the matter be adjourned for another eight weeks and in that time there is a commitment given at least by the AWU to meet preferably in the next four weeks.

30 The only other issue is I think, commissioner, probably to give this some impetus, at some stage down the line it may - well, not at some stage, I think earlier rather than later - I think to kick this off and to give it some real impetus even though the parties have been negotiating - we have agreed on a number of matters - it may be wise  
35 to consider initial inspections and that gives it some reality, I'd suggest and really brings it home to the parties and that's something which we might consider in, say, another couple of months' time. So that's the report back from my point of view, commissioner.

COMMISSIONER: Yes, thanks, Mr FitzGerald. Mr Wakefield?

40 MR WAKEFIELD: I just confirm that the report back Mr FitzGerald has given is consistent with where we're coming from. We have spoken to Mr FitzGerald. We do intend to meet with him in four weeks' time and we would seek the matter be adjourned for another eight weeks for further report back.

45 COMMISSIONER: Thanks, Mr Wakefield.

MR FITZGERALD: Commissioner, could I, just before you make a comment, just following - and that's a fair summary of Mr Wakefield - I suppose what we haven't got at this point because we've had no contact, is the same commitment to meet from the other two unions and my submission is, commissioner, even though they're not here today - they've obviously had an opportunity to be here today - my submission is that I think there should be, if there is any direction coming from the bench which I suspect there will be given the sad lack of progress, I would ask that the direction be given for all the unions to meet with ourselves, not just the AWU.

55 COMMISSIONER: Yes. Just go off the record thanks.

**OFF RECORD 10.35am**

**ON RECORD 10.40am**

COMMISSIONER: Thanks for that, gentlemen. Now we all know the circumstances of this application. I don't think there is any need to comment except to say that I endorse the adjournment application and in view of the history and the circumstances, I'll expect that the parties meet within the month or in a month as advised by the parties who are present here today and recommend that they do that and then also, Mr FitzGerald in particular, and the unions of course ought to be involved in this one way or the other, but I request that you prepare an itinerary for inspections to be presented next time we meet and that at that stage I intend to fix dates for those inspections. Anything else, Mr FitzGerald?

70 MR FITZGERALD: Nothing thanks, commissioner.

COMMISSIONER: Nothing else, Mr Wakefield?

MR WAKEFIELD: No.

COMMISSIONER: Yes, before I came down, I thought to myself, this is not the Blue Hills case, this is the Blue Metal Hills case.

75 MR FITZGERALD: True.

COMMISSIONER: However, thank you, gentlemen, we'll adjourn.

**HEARING ADJOURNED 10.45am**