

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

T No. 3461 of 1991 and  
T No. 3929 of 1992

**IN THE MATTER OF** an application by  
the Metals and Engineering Workers  
Union to vary the Automotive  
Industries Award

re minimum rates adjustment,  
restructuring of award

COMMISSIONER IMLACH

HOBART, 3 November 1992  
Continued from 16/9/92

**TRANSCRIPT OF PROCEEDINGS**

Unedited

COMMISSIONER IMLACH: Do we need to take appearances? Any changes?

MR P. NOONAN: I believe so, Mr Commissioner. I may be making a new appearance, NOONAN -

COMMISSIONER IMLACH: Mr Noonan?

MR NOONAN: Yes, representing the SDA.

COMMISSIONER IMLACH: Thank you.

MR T. EDWARDS: If it please the commission, EDWARDS, T.J. I appear in lieu of MR S. CLUES, and I appear for the TCI and the MAIT.

COMMISSIONER IMLACH: Thanks, Mr Edwards. Anyone else? Who is kicking off?

MR LONG: Well I'm not real sure.

COMMISSIONER IMLACH: Well you had better -

MR EDWARDS: Stick one in anyway.

MR BAKER: I think you were here last time, Jeff.

MR LONG: Yes, I think I was.

COMMISSIONER IMLACH: He was? Right. I hope that's an auspicious start. Mr Baker.

MR BAKER: Thank you, sir. I have handed - oh, I'm sorry, since our last occasion before the commission we have attempted to address ourselves to the matters which I raised when this matter was last before the commission. To that end we have prepared a draft document insofar as it relates to conditions for employees in Division A of the award. That document I have, in fact, handed to your associate prior to the proceedings commencing this morning and I tender that as an exhibit which I would understand, sir, would be MEWU.2.

COMMISSIONER IMLACH: Right. We'll accept that. MEWU.2.

MR BAKER: I have, prior to this morning's hearing, circulated the document to the other parties respondent to the award. It would be our intention, sir, that the various divisions of the award would be, for all intents and purposes, removed and they would be substituted for one general conditions clause in the award. The first step in that process, sir, of course is to, I suppose, rewrite Division A insofar as that is the basis

of the award and, as I have indicated, to that end I have, in fact, prepared a draft and circulated it to the parties.

Unfortunately, time has caught up with us and my colleagues insofar as dealing with it in any depth, but we have attempted to, sort of, remedy that position by organising to meet on 16 November whereby we intend to address the matter in quite some considerable detail. Together with that, you will also recall that I spoke - or I addressed the commission on the question of introduction of the minimum rates adjustments principle insofar as the wage rates are concerned, and I have, in fact, progressed that matter slowly but surely and - but unfortunately, like the balance of the award, it's not ready for presentation to the commission.

It would be, however, my intention insofar as the minimum rates adjustment principle is concerned that the - that that should commence prior to the end of 1992, and we ought to be in a position by the end of this year to present to the commission, not a completed document insofar as the conditions clauses are concerned, but certainly a document that is bearing the hallmarks of the completed document which we would like to wrap up in the early part of 1993.

That being the position, Mr Commissioner, I would seek from you a hearing date, approximately mid December, whereby we could put the position insofar as the - sorry, whereas we could address the issue of supplementary payments. We'll be looking to commence them from - either at that date or very early in the new year, and I reiterate that we ought to be in a position by that stage to table to the commission a document which the commission can formulate an opinion as to how we are proceeding insofar as the condition side of the award is concerned. And barring any questions from yourself, sir, that would conclude my submission.

COMMISSIONER IMLACH: Yes. Thanks, Mr Baker. What's that date in November you are hoping to meet?

MR BAKER: On the 16th.

COMMISSIONER IMLACH: 16th.

MR BAKER: Barring flu epidemic or otherwise.

COMMISSIONER IMLACH: Yes. All right. Thanks, Mr Baker. Mrs Dowd?

MRS DOWD: Mr Commissioner, the Federated Clerks Union endorses the comments made by Mr Baker in relation to the award and also that we agree that we will be meeting on 16 November.



COMMISSIONER IMLACH: Thanks, Mrs Dowd.

MR LONG: Yes, sir. FIMEE would also support the comments of Mr Baker.

COMMISSIONER IMLACH: Thanks, Mr Long.

MR NOONAN: I have nothing further to offer, Mr Commissioner.

COMMISSIONER IMLACH: Right. Mr Edwards?

MR EDWARDS: Commissioner, I can confirm that Mr Baker has supplied the document now titled MEWU.2 to the TCI. That was forwarded on 30 October 1992 and as I am sure you would appreciate, sir, that's given me very little time to formulate any real opinions on its content. I have had a preliminary look through it and it has raised a significant number of questions, at this stage, which we will take up with the unions as we progress further down the negotiation path on these issues.

I would be inclined to agree with the application for an adjournment on the basis that there is really nothing we can place before the commission at this stage. As to Mr Baker's comments that the MRA process has been progressing slowly but surely, certainly, slowly is true. The question of surely remains to be seen because there's been no in-depth discussions between the parties. Certainly Mr Baker has supplied me with a document which I have commenced working through. It too raises a significant number of questions, particularly one rounds people into higher classifications and it would appear that most classifications have been over classified on my preliminary reading by at least one grade, if not two and that obviously will be a matter for further discussions.

On the proposed timetable that Mr Baker took the commission through. I've no serious questions to ask at this stage, save to say that the timetable will very much be determined by the extent of progress that we're able to make between now and the datum point dates that Mr Baker has proffered to the commission.

Having said that, we would agree to an adjournment till approximately mid December and unlike Mr Baker, I'd be hopeful that we could wrap up the whole exercise at that time. I'm certainly disinclined at this stage, unless I can be convinced otherwise, to break the exercise into two different exercises, one being the MRA process and the other being the conditions of employment. However, it's possible between now and then I might be convinced that that is the preferable way to go, or alternatively, we may be able to finish both exercises by about the same time. So having said that, sir, I'd agree to an adjournment to mid December. If it please the commission.

COMMISSIONER IMLACH: Yes. Thanks, Mr Edwards. Well are you looking for a date, mr Baker?

MR BAKER: No, sir. I would rely on your calendar and I've already mentioned to Mr -

COMMISSIONER IMLACH: Perhaps if we go off the record, thanks, Julie.

OFF THE RECORD

COMMISSIONER IMLACH: Well, thank you everyone. This matter will be adjourned for discussions and negotiations to take place between the parties and will resume at 10.30 am on Wednesday, 16 December.

HEARING ADJOURNED