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TRANSCRIPT OF PROCEEDINGS

O/N 8847

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER P.C. SHELLEY

T No 10416 of 2002

BUTTER AND CHEESEMAKERS AWARD

**Application pursuant to the provisions of
section 23 of the Industrial Relations Act
1984 by the Australian Workers Union
Tasmania Branch to vary the above award
re delete all clauses and insert the
provisions as detailed in schedule A**

HOBART

10.30 AM, FRIDAY, 4 OCTOBER 2002

HEARING COMMENCED

[10.20am]

PN1

MR R. FLANAGAN: I appear for the Australian Workers Union Tasmania Branch.

PN2

MR I. PATERSON: I appear for the Australian Municipal, Administrative and Clerical Services Union.

PN3

MS J. THOMAS: I appear for the Tasmanian Chamber of Commerce and Industry.

PN4

THE COMMISSIONER: Thank you. I don't know if the parties have received a copy of some correspondence that was sent by the TWU. Have you?

PN5

MS THOMAS: Haven't seen it no.

PN6

MR FLANAGAN: The AWU has, Commissioner, we have received a copy of it. It was provided directly to us by the Transport Workers Union.

PN7

THE COMMISSIONER: Right, okay. Well, we will make a copy available to you, Ms Thomas, but really it deals with, I think, some drafting errors and it also says that whilst they are unable to have an officer present at the hearing they broadly support the application.

PN8

MR FLANAGAN: Perhaps if I sort of outline where we are at, Commissioner. The situation is about two, two and a half years ago in the context of the requirement to modernise awards the unions and the TCCI set about some fairly lengthy negotiations designed to achieve and update and modernise the award. Essentially what we agreed on was the actual conditions proscribed by the award would remain the same. That the award would be reformatted consistent with the requirements of the principles and that we would address the minimum rates adjustment process.

PN9

In order to facilitate that the Australian Services Union had filed an application, I think, from memory and we had done a fairly substantial amount of work. We were unable to go forward though and I can't recall what the reason for that was, however, what occurred was the Commission as presently constituted convened a conference to deal with matters identified in the 2002 State Wage Case, particularly as it relates to State minimum wage. So what the union has done is it has filed an application in the terms of what we had worked on through the award reformatting exercise. And I will also tender a

separate document which was the minimum rates adjustment process that came out of the discussions that we had previously.

PN10

THE COMMISSIONER: We will give this - we will mark this AWU1. There is a mark at the top, what does that - - -

PN11

MR FLANAGAN: It is an extract out of the proceedings in the ASU application which is AWU3 in those proceedings.

PN12

THE COMMISSIONER: Well, this will be AWU1.

EXHIBIT #AWU1 MINIMUM RATES ADJUSTMENT PROCESS DOCUMENT

PN13

THE COMMISSIONER: Okay.

PN14

MR FLANAGAN: Now, the difficulty with both the application and AWU1 is that they were developed at a time when the safety net adjustments were \$60 a week and so we need to go back and revisit that. There is also an issue within the classification structure in the application that is before you that we need to talk about further, and we also need to work through the issues which have been identified by the TWU and see if there are any other areas which the parties still need to resolve, but what we believe we can do through further discussion if finalise a consent position; hopefully we can; bring it to the Commission and move forward on a consent basis.

PN15

It needs to be noted, I think, that whilst the award has some application to fairly small cheese manufacturers, the substantial part of the workforce in this industry is regulated by industrial agreements. So the impact will be minimal in terms of number of employees that are actually covered directly by the award. However, there are some and in where they are covered by the award still, as far as they are aware, they are paid in accordance with the award. So what we would be proposing is that the parties be given a reasonable opportunity to have further discussions and then come back to the Commission with a view to processing the proposal and what we would be seeking is the Commission having regard for the fact that we need some time for discussions, program in at this stage a date for hearing at some time in the future which is convenient to the Commission.

PN16

THE COMMISSIONER: Thank you. Mr Paterson, the reference that was made to the ASU having filed an application, what is the status of that and what is the intention?

PN17

MR PATERSON: That was T number 7908 - 7905.

PN18

THE COMMISSIONER: 7905?

PN19

MR PATERSON: Of '98. I will just confirm that, there is a transcript here somewhere with that on it. That was in fact the earlier - yes, 7905 of '98. That was an application to vary the clerical classifications, and then that was overtaken by the re-format in '99 wasn't it, wage case decision regarding reformatting. The issues that we sought to address in that application are subsumed by this application.

PN20

THE COMMISSIONER: So are you just going to withdraw that?

PN21

MR PATERSON: Yes, I see no reason in it being processed separately, except to the extent that it may be - I would have to have a look at what the AWUs current application is, we may need to seek to amend that to include
- - -

PN22

THE COMMISSIONER: You can sort that out in the discussions.

PN23

MR PATERSON: But I guess it is a question of the principles, whether the application cites the principles it has relied on, they don't so it is subsumed by that to the extent that we need to provide further and betters in terms of the principles relied on to do this. We can deal with that.

PN24

THE COMMISSIONER: So I will just wait to hear from you as to what will happen with T7905.

PN25

MR PATERSON: Yes, we will get you something today advising that we seek to withdraw that matter.

PN26

THE COMMISSIONER: Okay, very good. Is there anything else you want to add to what Mr Flanagan has said?

PN27

MR PATERSON: No, I think the things that I corresponded to Mr Flanagan yesterday on, are probably encompassed by the TWU or other matters. They are not significant things, it is things like the award interest clause is not in precisely the required format, in fact, an earlier version was minimum rates adjustment, updating meal allowances, updating other allowances, they were the things I noted that were drafting matters that needed to be corrected.

PN28

Otherwise I can confirm that the broad brush of the draft and the application, and the substance of AWU1 and noting that what is in AWU1 is the second, third and fourth, that the application itself would, as you said, this encompassed the first MRA and then the - what is in AWU1 we would seek to update that and have that as a commitment of the parties for the further progress of the matter. Apart from that I don't believe that we do need to make any other submissions to you at this time.

PN29

THE COMMISSIONER: Thank you.

PN30

MR PATERSON: I suppose I should say in terms of the incorporation of the clerical classifications into the structure, that is what we agreed. It does conform with the general clerical award standards without effectively the seventh level, I think. I do have a simpler version, a version we have used in the Clerical and Admin Award which just simplifies the format and gets rid of the skill levels and makes it easier to read. So I will provide Mr Flanagan with an email copy of that simpler version of classifications and the TCCI.

PN31

THE COMMISSIONER: Okay, thank you. Ms Thomas?

PN32

MS THOMAS: Yes, I just support the application for an adjournment of this matter at this time. I understand there have been discussions and they are ongoing. The drafting issues, I gather, are relatively simple to correct in terms of the MRAs. Further discussion will be needed to agree on a - hopefully agree on a method of implementing the remaining MRAs, but we have been successful to date in some areas so we hope to keep that record going. So Andrew Cameron indicated that a time frame of about a month would enable sufficient time to allow those discussions and consultations with our members.

PN33

THE COMMISSIONER: Okay. We will just go off the record.

OFF THE RECORD [10.50am]

RESUMED [10.55am]

PN34

THE COMMISSIONER: This matter is adjourned until 9 am on Friday, 8 November 2002. That concludes today's proceedings.

ADJOURNED UNTIL FRIDAY, 8 NOVEMBER 2002 [10.55am]

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LIST OF WITNESSES, EXHIBITS AND MFIs

**EXHIBIT #AWU1 MINIMUM RATES ADJUSTMENT PROCESS
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