

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 3609 of 1991

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

re Clause 2 - Scope; Clause 7 -
Definitions

COMMISSIONER WATLING

HOBART, 19 February 1992

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER WATLING: I'll take appearances please.

MR T. HARDING: Sir, HARDING T., appearing on behalf of the Metals and Engineering Workers' Union.

COMMISSIONER WATLING: Good, thank you.

MR K.D. BECKER: If the commission pleases, BECKER K.D. I appear for the Plumbers and Gasfitters Employees' Union and the commission has been notified of that.

COMMISSIONER WATLING: Good, thank you very much.

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

COMMISSIONER WATLING: Good, thanks, Mr Clues. Right, Mr Harding?

MR HARDING: Thank you, Mr Commissioner. I've been informed this morning to pick this up about, 5 minutes ago, Mr Commissioner, and I've got all the full details in the back of my brains. But my understanding of it is, and I don't want to ask for an adjournment after you've put the time forward to sit and listen to us, and -

COMMISSIONER WATLING: I hope not.

MR HARDING: - I believe if we can run it up before the commission today and have an operative date from when the variation comes through for the Mechanical -

COMMISSIONER WATLING: Yes.

MR HARDING: - Engineering Award.

MR BECKER: Metal and Engineering.

MR HARDING: Is that the new name of it?

COMMISSIONER WATLING: Yes, Metal and Engineering -

MR HARDING: Metal and Engineering Award. If that - when that becomes finished that will be the date that this will operate from. So rather than put it off, come back again after that -

COMMISSIONER WATLING: Yes, there'll have to be a simultaneous operative date.

MR HARDING: Yes.

COMMISSIONER WATLING: Yes, I understand that.

MR HARDING: Yes, okay. Well, as I understand, Mr Commissioner, we've asked that the Plumbers Award be varied under those circumstances to take in account the scope. And from the scope would be removed (b) sheetmetal working. And that would become part of the new Metal Award. And the arrangements have been made between the Plumbers Union and our union that the sheetmetal working as related to plumbers would then be drafted into the classification structure of the Plumbers Award.

Mr Clues may correct me if I'm wrong, but a letter that's been sent to the Plumbers Union from our Mr Baker, and maybe if I read it into transcript because I haven't got a copy with me.

COMMISSIONER WATLING: Right.

MR HARDING: That's:

Dear Rick,

RE: PLUMBER'S AWARD

Please find enclosed two applications pertaining to the Plumbers's Award. As a consequence of the making of the Metals and Engineering Award and consistent with the position that I have previously detailed to you in correspondence, an application has been made to vary the Scope Clause of the Plumber's Award to read :-

"This Award is established in respect of the employment of persons by employers involved in plumbing work (as defined) except where such employment is covered by another award of the Tasmanian Industrial Commission."

Further, I would propose to you that Sheet Metal work be identified in the definition of Plumbing work as follows :-

"Add new sub-clause (t)

(t) Sheetmetal work used in connection with the above work."

It is also our intention to withdraw as a Respondent Organisation from the Plumber's Award as Sheet Metal working associated with Metal Industry Employers is now contained within the Award.

I hope that the above changes, as proposed, are satisfactory to your organisation.

Now, that's been agreed between the two parties so there should be no concern for anyone, and Mr Becker has a copy; he can make available that letter.

COMMISSIONER WATLING: Right. Well, we can mark that as Exhibit H.1.

MR HARDING: Now, from that letter, as you can see, commissioner, it clearly outlines the position that we're taking in relation to this, and as soon as the classifications and the scopes are fixed up in those two awards our union would expect to be withdrawn as a respondent to the Plumbers Award.

COMMISSIONER WATLING: Right. Well, there's another application which we haven't called yet, so -

MR HARDING: I understood today's was for persons and parties -

COMMISSIONER WATLING: Well, we're doing first things first, aren't we? Like we're dealing with application T.3609. We will move on to application 3610 as soon as we've finished this.

MR HARDING: That's today? Right.

COMMISSIONER WATLING: Right, after we've finished this.

MR HARDING: Thank you, Mr Commissioner. Well, that concludes my submission -

COMMISSIONER WATLING: I didn't want to withdraw your interest before you put your submission.

MR HARDING: No, no. Well, that concludes my submission on that, Mr Commissioner.

COMMISSIONER WATLING: It would be a bit awkward. Mr Becker?

MR BECKER: Thanks, Mr Commissioner. As outlined by Mr Harding in the exchange of letters, that is the agreed position between the parties. However, I have been instructed by Mr Randall to put on transcript in these proceedings also a letter from Mr Baker. I don't think I'd intend to read it all, but it talks about a point 43 in the proposed new Metal and Engineering Award in regards to the manufacture, testing and repair of water fittings.

The plumbers obviously were very nervous about that. However, there's just this bit points out, from Mr Baker, to say that in relation to the manufacture, testing and repair of water fittings, it's the testing of the manufactured items not the testing of the items out in the field.

COMMISSIONER WATLING: Yes. Even though it's probably not appropriate for it to be raised here, I can tell you that that question was raised during the course of the hearing when we established the Metal and Engineering Industry Award. And it seemed to be the understanding of the parties, and certainly it was my understanding as well. So I think, if anything, that point may be well made when one determines the definitions to be inserted in the award when we get back to the making of the award.

MR BECKER: Obviously they were -

COMMISSIONER WATLING: But certainly it was raised during the course of the hearing.

MR BECKER: We were going to raise it in obviously both the forums.

COMMISSIONER WATLING: Yes, right.

MR BECKER: If the commission pleases.

COMMISSIONER WATLING: Well, I accept that. Right, thank you. Mr Clues?

MR CLUES: Mr Commissioner, the TCI does not oppose application 3609 which seeks to amend the scope clause of the Plumbers Award. The amendment does, in effect, limit the scope to plumbers work as defined, and the amendment to the definitions of plumbers work as defined is consequential upon the amendment to the scope clause.

As I understand it the letter does encompass both of those amendments and they are as has been indicated to the TCI. And on that basis we don't oppose the application before you.

COMMISSIONER WATLING: Right. Good, thank you. No further submissions? If there are no further submissions I can indicate to the parties that I will hand down a written decision in due course. It will be in favour of the application. However, the orders and the operative date will not be drawn until such time as the Metal and Engineering Industry Award has been finalised and there will be a simultaneous operative date so sheetmetal workers are not left award free. So that will be the written decision when it's handed down. But this is only an indication so far. Good. Mr Harding?

MR HARDING: The amendment to the application 3609, Mr Commissioner, would be to withdraw our resposdency to the Plumbers Award of number - whatever it is now - of 1991 (Consolidated).

COMMISSIONER WATLING: Right. So, to vary the parties and persons bound clause by deleting the name of your organisation.

MR HARDING: That's correct, Mr Commissioner.

COMMISSIONER WATLING: Right. And I can take it then the submissions fall in line with the earlier submissions you gave me.

MR HARDING: With the operative date being the date the Metals and Engineering Award is formulated and finalised.

COMMISSIONER WATLING: Right. Good thank you.

MR HARDING: Thank you, sir.

COMMISSIONER WATLING: No opposition to the amendment to the application? No opposition to the amendment to the application; and those who agree with it? Those people - everyone agrees with the amendment? No. Right.

Well, I can indicate to you in relation to application 3609: (a) I will accept the variation to the application; and (b) I accept your submission on the operative date being determined for the Metal and Engineering Award. Your interest in terms of the parties and persons bound clause of the Plumbers Award will be deleted.

MR HARDING: Thank you, sir.

COMMISSIONER WATLING: Right, that's all we've got before us this morning. Thank you for your participation. The matter is closed.

HEARING CONCLUDED

COMMISSIONER WATLING: Right. Now, Mr Harding, I understand that you might seek a recommittal of application 3609?

MR HARDING: That's correct, Mr Commissioner, to amend that application.

COMMISSIONER WATLING: Right. Well, we might just sort that out with transcript then.

HEARING ADJOURNED