

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

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

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

re minimum rates adjustment,
restructuring of award

COMMISSIONER IMLACH

HOBART, 2 July 1993
continued from 16/12/92

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: I'll take appearances.

MR P. BAKER: Sir, I appear on behalf of the Automotive Metals and Engineering Union, P. BAKER.

COMMISSIONER IMLACH: Thanks, Mr Baker.

MR P.J. NOONAN: If the commission pleases, I appear on behalf of the Shop Distributive and Allied Employees' Association, NOONAN P.J.

MR J. LONG: If the commission pleases, JEFF LONG, appearing on behalf of FIMEE.

COMMISSIONER IMLACH: Thanks, Mr Long.

MR S. CLUES: If the commission pleases, I appear on behalf of the Tasmanian Chamber of Commerce and Industry, CLUES S.

COMMISSIONER IMLACH: Thanks, Mr Clues. Well who's kicking off?

MR BAKER: Thank you, sir. To commence with I have handed to your associate an exhibit prior to the commencement of these proceedings this morning which is headed 'Draft 6 - 15 February 1993 - Automotive Industries Award - Conditions of Service'.

COMMISSIONER IMLACH: Shall we call that MEWU.1?

MR BAKER: AMEU.

COMMISSIONER IMLACH: AMEU.

MR BAKER: For the time being, sir.

COMMISSIONER IMLACH: AMEU.

MR BAKER: Yes.

MR CLUES: Do you have a copy for me, Phil?

MR BAKER: You've got it.

MR CLUES: Have I?

MR BAKER: I didn't think you'd want another copy.

MR CLUES: No, you're right. Okay.

MR BAKER: You may recall, sir, that this matter was before the commission in late November/early December of last year and there were some discussions concerning first of all the minimum rates adjustment schedule, which we sought to have

commenced, and some discussions concerning the structure of the award. At the time you indicated that you would not arbitrate the matter, that it was actually up to the parties to come to some agreement insofar as the restructuring of the award and as far as the minimum rates adjustment scheduling was concerned.

Since then we had a meeting in mid January which was represented from the TCCI and the unions represented here before you today, together with the Federated Clerks Union, and out of that meeting which went for most of the day we came up with a document. That document is the exhibit AMEU.1, which I've presented to you this morning. You will see from the document that we've taken the award as it stood at that time, or it still stands, I should say, which consists of six or seven parts or divisions and we've rolled all that into one award, one composite document.

There was, in fact, a number of matters which the TCCI was to consider and they, sir, are, in fact, marked in the exhibit. And, for example, on page 24 of the document - and you'll notice that there are references like this through it - under clause - what is proposed to be clause 14 - Gear and Equipment. And you'll notice that in brackets it's got (TE to consider position). TE, of course, is none other than Mr Terry Edwards from the TCI. And there are other bits and pieces, little headings that I've noted in the document where there was some disagreement between us, or the parties were going to go away and look at their position. When I say the parties I suppose I should actually - sorry, I'll rephrase that. I should actually say that it was principally the TCCI although there were a couple of matters which were to be the subject of further discussions between the unions principally and, at a later stage, the TCI - the TCCI.

Well, sir, that was in February and we've now reached July. And unfortunately nothing much has happened since then. I have spoken both of Mr Edwards and with Mr Abey about progressing the document. I understand, of course, sir, that Mr Edwards was out of action for a short period of time. Fortunately he's back on deck again. But we've really achieved a great deal. I would suggest that we've achieved a great deal, but we've actually achieved absolutely nothing because one of the parties has stopped playing the game. I made comments last year, sir, that this award really did need some redressing as far as both its structure and its content, as far as the conditions of service were concerned and also, of course, the salary structure which I made submissions concerning that it was inappropriate.

The state award still lags behind its federal counterpart by some \$10.00 a week at the trades level. It would even be in a worse position if the Australian Industrial Relations Commissioner got off his rear end and made a decision so far

as the supplementary payments were concerned. In our opinion, sir, it's been an unnecessary delay in the decision and we've been waiting 8 months for the final MRA to be awarded in the federal award. And I'd suggest that's, in my opinion, a little too long. And the position, in fact, would be worse. The rate of the trades level would be a further \$13.00 behind.

That aside, we've gone off and done the work. The award, as I said, the unions put a great deal of effort into the rewriting of the document and there was some considerable input last January with Mr Edwards insofar as the documentation itself was concerned. And, as I've indicated, there were some items which the TCCI needed to consider their position. That was February. We're now entering July. I've yet to receive one note from the TCCI as to where the hell we're going with the document. There is still the issue of the wages which I've said really needs addressing. The new broadbanded wage structure needs to be put into the award initially and, secondly, of course, sir, there is this issue of the minimum rates adjustment.

And, as I said, if and when the Australian Industrial Relations Commission finally brings down a decision, the problem insofar as wage rates is concerned will be exacerbated. And what we would seek from you today, sir, is some directions to the TCCI to respond to our document in order that we can bring this matter to some finality, that we can present the industry with an award that is readable, that is intelligent and can be understood by the persons and parties that operate under it. And that, secondly, insofar as the employees are concerned, that they be given a career structure consistent with the structure which operates under the federal Vehicle Repair and Services Award. And, finally, sir, that their wage rates - as far as the industry itself is concerned, there is a wage rates structure which is consistent throughout the industry and simply doesn't only apply part or sections thereof. Thank you, sir.

COMMISSIONER IMLACH: Thank you, Mr Baker. Mr Noonan?

MR NOONAN: Yes, Mr Commissioner, in relation to the tendered document, AMEU.1, I'd ask you to turn to clause 27 there and I would hope that the parties here understand that this union will be not negotiating any lesser penalty for Saturday work than is currently provided in the award. You will see there that it says - it points out the clause 27 - Saturday Work, at the bottom of the clause it says: TE to consider position of retail outlet.

Well I made it quite clear during negotiations that the SDAEA would not be negotiating a lower rate than currently provided - than currently is provided in the award in relation to achieving the minimum rate adjustments. And I'd like to place that on record here, if the commission pleases.

COMMISSIONER IMLACH: Mr Long?

MR LONG: Yes, sir, I believe Mr Baker has covered the situation adequately and I fully support his comments.

COMMISSIONER IMLACH: Thanks, Mr Long. Mr Clues?

MR CLUES: Well this morning, Mr Commissioner, has been somewhat of an education for me. I haven't had a lot to do with the automotive industry outside of one particular company, and as has been rightly pointed out by Mr Baker, these negotiations for the most part have been handled by Mr Terry Edwards, or TE, as he's formally called in this document.

Unfortunately TE has been otherwise indisposed over the last couple of months. Whilst I understand that's been a major inconvenience to the union, he hasn't been able to manage to avoid that situation. As the commission will be aware, there were some minor matters of a heart attack during that period and hence negotiations weren't being able to be progressed during that period. I understand that there has been a considerable period of time elapse, however that is not unusual in the nature of industrial relations, especially when this award is intrinsically tied to a federal award which is finding itself in similar difficulties pertaining to minimum rate adjustments and finalisation of classification structure.

It has not been the intent of the TCI to delay these proceedings, to do so would be mischievous. The TCI has entered into these negotiations in good faith and that is evidenced by the fact that Mr Baker has been able to produce to the commission today a rather voluminous document which has been recognised - has been able to be developed due to considerable input from Mr Edwards prior to the incident I referred to earlier.

I believe that it would be unfortunate if it was necessary for the commission to issue directions to the TCI in the form of a reprimand to get up and negotiate on this matter. The TCI has to date managed to negotiate of its own accord and quite freely with the AMEU, I think it is now, and we would wish to do so of our own accord without direction from the commission to do so. I believe that without having that direction we'd be able to finalise these negotiations just as expeditiously as that which would be required by the union.

To that end I've been asked by Mr Edwards to indicate our commitment to this ongoing process and it was our intent today to give the union that commitment and if they wish to contact Mr Edwards he's quite prepared to put some time in his diary to finalise these negotiations. If the commission pleases.

COMMISSIONER IMLACH: Mr Clues, the union is saying it's not happy with the chamber.

MR CLUES: I understand that. It's not an unusual position. We're not overly chuffed with the union movement either, but, I mean, that's the nature of industrial relations. Putting aside those comments in relation to delays which I've already addressed, I think it would be acknowledged by the union that the TCI has played a constructive role in negotiating this award and whilst there has been delays experienced of late - and I can understand Mr Baker's frustration in that - the cause of those delays have not been alleviated. The man responsible for this award is now back on board and is quite prepared to continue negotiations, hence I would suggest that those frustrations will be shortly alleviated and the concerns raised will no longer exist.

It is our hope that in the short - in the near future this award will be brought before the commission on a consent basis, although I note Mr Noonan's comments that some things in here are not negotiable. I hope that inflexibility will transpire into something more constructive in the short term future and a consent position will be able to be brought before the commission.

COMMISSIONER IMLACH: Yes, all right. Thanks, Mr Clues. We'll just go off the record for a minute please.

OFF THE RECORD

COMMISSIONER IMLACH: These matters will be adjourned to a date to be fixed. Thank you.

HEARING ADJOURNED