

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T No. 5998 of 1995

IN THE MATTER OF an application by the
Automotive, Food, Metals, Engineering,
Printing and Kindred Industries Union to
vary the Metal and Engineering Industry
Award

re insertion of new clause

COMMISSIONER IMLACH

HOBART, 17 February 1996
continued from 8/2/96

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: I'll take appearances. Have we got the same appearances, have we, or what? I'll tell you - MR BAKER, MRS DOWD, MR PYRKE and MR WATSON. We have - they're all the same.

Now, who's going to give us a report?

5 MR BAKER: Thank you, commissioner. Commissioner, I have handed to your associate a draft of what I have proposed. I must say, commissioner, I've been somewhat hamstrung by a lack of time to come to a position whereby I can give you a completed document but I would draw your attention to a couple of things.

10 One of the issues which arose on the last occasion we were before you, I indicated that we were seeking to incorporate into the award the new classification, reclassification provisions which are encompassed in the federal Metal Industry Award. Together with that there is also the issue of the classification structure itself and how it's to be applied.

15 I further indicated at the time that I believed it was probably appropriate that we sort of look at grouping together all those wage related issues which form part and parcel of the wages classification structure, that is, the actual payment of the wage, the wage itself, the training matters and the classification, reclassification issues. When I sort of had a look at the award itself, as it is currently formatted, I took the opportunity of putting together all those matters which in fact relate to wages and if I can turn your
20 attention, sir, to page 1 of the draft which is, if you like, the cover sheet which indicates a number of those issues, which I've put together under wages and related matters which incorporate the payment of wages, the wage rates, the classification structure, the reclassification, the competency standards themselves, the rates of pay, piecework, extra rates, mixed functions, special rates, meal allowance and
25 superannuation.

I've taken all those wage rates and put them together and having done that of course that sort of made the rest of the award look a little odd and then I took the initiative, if you like, sir, of reformatting the arrangement, not knowing exactly what the
30 commission would view of my attempts to reformat it. I understand, sir, there is a tried and trusted formula here at the commission. But consistent with certainly what is happening as far as the national scene is concerned about reformatting of awards, to make them more user friendly, I decided I would take the opportunity of having a look to see if I could not make the award user friendly, or more user friendly, perhaps is the more appropriate phrase.

35 So, I have taken the opportunity of doing that and putting together a document, which unfortunately I've just discovered is not quite 100 per cent readable but nevertheless I've put it together in the manner in which it's in.

40 There are also two other things which I've done since the last occasion and one is, I've written the clause, the competency standards provision which is contained within the federal Metal Industry Award at clause 6E - Classification, Reclassification of Employees, which goes on into the competency standards and so on and that new provision I've also put in there, together with - to make it more reflective, if you like, of the metal industry provision, I've also made comments in relation to the actual classification structure itself.

45 As you are aware, sir, the current classification structure runs to some 19 various levels and I did indicate the last time we were before you, that we would seek actually to reduce that to the 14 levels which are currently found in the federal Metal Industry Award and go back to renumbering them, consistent with the metal industry provision. So, a process worker under the federal award is found at classification level
50 C14, 13 and 12 and what we are proposing, sir, is in the revamped Metal and

Engineering Tasmanian award, those classification numbers would be the same. They would be 14, 13 and 11 and likewise, sir, the trades classification would be found at C10, rather than C7 as it is currently in the state award. So there is a consistency of approach. To bring that about, because of the clerical structure which is also found in this award, which is not found in the federal Metal Industry Award, we would simply slot those people in at an appropriate classification level and they would become, if you like, 6A or 4A or wherever they actually appear within the classification structure itself.

I have proceeded to do that as well and the document is reflective of that. Really, sir, there are three things found in the document, which I have attempted to do. One is, to put in the new classification, reclassification and competency standards consistent with what is found in the Metal Industry Award. Secondly, in so far as the classification structure is concerned, I have proceeded to align the classifications as they appear in the state award to mirror those in the federal award. Finally, sir, I have attempted to bring together all those wage and related issues which go to the wages and put them into one composite clause and as a consequence of that, sir, I then - because it then, if you like, throws the award into some sort of disarray, I have then sought to reformat the content of the award so that there are issues which are structured together on the first two pages of the document.

Whether that's acceptable to the employer or to the commission itself, sir, I'm unaware. I've only briefly spoken to Mr Watson this morning on the matter but if it was in agreement with yourself, sir, I would seek to have some discussions with Mr Watson and the other parties to the award, to put this together as a readable, useable document for use both by the commission, the parties and those individual employers and employees who have access to the award, which would be a first step in rewriting the award in its entirety because in some areas that is overdue. Although this award, as it's before you, was in fact written by myself, Mr Clues, Mr Edwards of the TCCI and Commissioner Watling, it is probably overdue for a rewrite and indeed, some of the clauses, unfortunately, still hark back almost to the '50s with some of their dramatic expressions and I think they could do with a rewrite to bring them into the 21st century.

With those comments, sir, subject to any question by yourself, I'd actually conclude my submission and seek that we have those discussions with the parties in the very near future with a view to coming back to you within two to three weeks at the most, with a document we can give you as the new Metal and Engineering Industry Award.

COMMISSIONER IMLACH: Yes. Thanks, Mr Baker. We'll call the document - the main one that you've put forward today, we'll call that B.1 and the Metal Industry Award book, B.2.

Now, what you propose seems reasonable to me, Mr Baker. I would say that, to my knowledge, the arrangement - those first eight clauses of the award of the commission, the terminology and lay-out is pretty tight, I'm afraid, so if the parties keep that in mind.

MR BAKER: I haven't sought to really alter those too much. I sort of left those pretty much as they are. It's just the balance of it that I'd sort of group together into those, if you like, boxes.

COMMISSIONER IMLACH: Yes. I appreciate you endeavouring to assist myself and everyone else but I'm just making the point, in the long term when you finally return with the end document, the commission would expect the normal lay-out to start with, of those clauses. That's a matter of policy, Mr Baker. I think we're both bound by it.

The other thing is, it seems to me quite reasonable that the other parties and yourself get together and see what you can do with what you're proposing. I, myself, would not be so bold as to interfere at this stage. I think I should leave it to the parties and recommend that they, as far as possible, come up with a complete document for the commission to have a look at and if there are divisions or matters to be decided, we'll put them to one side. How does that sound to you, Mr Baker?

MR BAKER: That's fine. Really, the only issue that I believe will be between us, I suppose, is the format. I think, for all intents and purposes, we are agreed as to where we want to go. It's just a question of getting it there.

COMMISSIONER IMLACH: Yes. As I say, if the parties produce a document, we will have a look at it. I just thought I'd give you my views before we even heard from the other parties, Mr Baker.

MR BAKER: Thank you, sir.

COMMISSIONER IMLACH: Let's see what we hear from the others.

MR BAKER: Good.

COMMISSIONER IMLACH: Thank you. Mrs Dowd?

MR DOWD: I have no submission, thank you, Mr Commissioner.

COMMISSIONER IMLACH: Mr Pyrke?

MR PYRKE: Thank you, commissioner. I would certainly take advantage of a chance to meet with Mr Baker and the other parties to the award. In particular, I would like to hear from Mr Baker in due course about how we're going to apply standards and classification standards and so forth to the classifications where the draft document before you refers to standards and points to be finalised. There's a section which clearly indicates that there is some gaps and as those gaps apply to the people that I represent, I need to hear from Mr Baker on that. So, no doubt in due course we'll hear that. Thank you.

COMMISSIONER IMLACH: Right, Mr Pyrke. Mr Watson, I think the ball's well and truly in your court.

MR WATSON: Thank you, commissioner. I think, from what you've said this morning, you've probably made the position fairly clear in relation to format. However, that will obviously need to be discussed further between the parties when we meet.

First of all, I haven't discussed this with other parties but, as a suggestion, perhaps once we've had our meetings and we've got to the position where we do have a document, we could perhaps have a drafting conference with yourself which I think in the long run will probably save some time. If that is acceptable to the other parties - I don't know, but that, as I understand it, is not outside of procedures that have been adopted in the commission for other awards, when we're talking about a total rewrite.

As far as the issue in relation to the competency standards is concerned, at this stage there's no in-principle objection on our part to the inclusion of those standards. However, I would suggest that it's not something that we should be rushing into, bearing in mind that the situation with the federal Metal Industry Award is far from complete in terms of implementation with the standards. At this stage we are in the infancy of the implementation of those standards and I don't claim, by any means, to be an expert on those yet and I'm in the process of trying to bring myself up-to-date to

at least have some competency in understanding of the standards and how they be employed in the work place.

5 So, we're quite happy to adopt Mr Baker's suggestions of discussions to get this document to a position where we can bring it back to the commission. Two or three weeks may be a little bit optimistic - I'm not sure, but I'm happy to try and meet that time frame but with those comments in mind, I don't think there's anything further we have to add at this point.

10 COMMISSIONER IMLACH: Yes, thanks, Mr Watson. I agree with that matter of a drafting conference. It would probably help all of us if that takes place before we resume for a hearing to get under way fully and also as to the time for return. So, you've heard all that, Mr Baker. What else? Anything else?

15 MR BAKER: Well, just to provide some advice to the commission in so far as the standards themselves are concerned. As the award indicates, they are now at the C5 level, which is the advanced certificate level within the award. The issue of those standards above the C5 level are - currently, there is a discussion being held between our organisation and the MTIA and the ACM concerning the development of those standards. In fact, there are draft standards which have been prepared for C4 and above including, as I understand it, through to Mr Pyrke's area of constitutional coverage.

20 There is still some ongoing discussions to how those standards will be applied and in fact how they will ultimately be developed and instituted. Now, a lot of that, sir, of course is dependent on the federal government and federal government funding and there is a real concern on our part as to the - and I suppose it is for all parties - ongoing as far as the actual availability of appropriate finance to complete the standards. Hopefully the money will be available but if it's not, I'm not sure where all this finishes up.

COMMISSIONER IMLACH: Well we'll wait and see. We're all in that position, I think, Mr Baker, for various reasons.

30 Well, what date do you want to report-back, even if it's only to report that you're still going? What do you reckon, Mr Baker?

MR BAKER: We'll just come back in five weeks, three weeks' time, or something?

MR WATSON: Yes. Make it a report-back but I think three weeks may be a bit optimistic to have this finished.

COMMISSIONER IMLACH: A month?

35 **OFF THE RECORD**

COMMISSIONER IMLACH: Well, thank you for that, everyone. This matter will be adjourned now and we'll resume on Monday 15 July at 10.30 a.m. Thank you.

HEARING ADJOURNED