

## HEARING RECOMMENCED

COMMISSIONER IMLACH: Any change in appearances?

**MR M. WATSON:** MARK WATSON, commissioner - TCCI - appearing in lieu of Mr Fitzgerald who appeared before you on the last occasion.

5 COMMISSIONER IMLACH: Thanks, Mr Watson. Sending in the shock troops are they?

MR WATSON: That's right, commissioner.

COMMISSIONER IMLACH: Good. I think they're needed. Good. Now, Mr Baker.

10 MR BAKER: Perhaps before we proceed with this matter, I do apologise to the commission for what I'm about to say, but it may be preferable if we were to have your associate read all four matters because I would then propose a course of action pertaining to all of  
15 them which hopefully will either see some resolution of the matters before you this morning or in fact may see us moving to arbitration on them.

COMMISSIONER IMLACH: Right. Well -

MR BAKER: If I could beg your indulgence so as to speak.

20 COMMISSIONER IMLACH: That's all right. We'll call them altogether and then we'll be in Mr Baker's hands.

ASSOCIATE: **CALLS T7343 of 1997, T7503 of 1998 and T7523 of 1998.**

COMMISSIONER IMLACH: Now, Mr Baker.

25 MR BAKER: Thank you, sir. Since this matter was before you on the last occasion, the TCCI and the AMWU have exchanged correspondence on all four issues. Together with that we have had a telephone conversation and a further brief discussion this morning over the progress of the four matters before you and in fact Mr  
30 Watson's now raised a fundamental issue pertaining to the operation of this award.

It would be my suggestion to the commission this morning that these proceedings be adjourned into a conference of the parties to be chaired by yourself in which we can have some frank discussions about the  
35 four matters before you and indeed the operation of the award which in fact may in some way pre-empt the discussions pertaining to the award review process.

So having said that I would ask the commission to adjourn the proceedings into conference under your chairmanship.

COMMISSIONER IMLACH: Right. Thanks, Mr Baker. What's your reaction to that, Mr Watson?

MR WATSON: We concur with those submissions, commissioner, in relation to going into conference.

5 COMMISSIONER IMLACH: Thanks, Mr Watson. All right, we'll adjourn into private conference and see how we get on. Thank you.

#### **INTO CONFERENCE**

COMMISSIONER IMLACH: Thank you, gentlemen, I believe that's been a productive exercise. I'll just go over the matters that we've  
10 discussed then the resolution to this date.

Matter T7268 of 1997 concerning supplementary payments for juniors and apprentices: the Chamber has requested time to put a proposition to its members and, as I understand it, the union is agreeable to that under certain conditions and then I've indicated to the parties my view  
15 on that. So that that matter, T7268, will be adjourned hopefully for the parties to reach a settlement and then for a draft order to be forwarded to the commission with advice from you, Mr Baker, in particular that the parties have agreed. You'd have to confirm that one way or the other, Mr Watson.

20 MR WATSON: Yes, commissioner.

COMMISSIONER IMLACH: Thank you. And then the next item - application, **T7343 of 1997** concerning an increase in the tool allowance: that matter has been agreed and a draft order will be forthcoming. I'll ask the parties to confirm this afterwards which will  
25 be sufficient so long as the draft order arrives for that matter to be completed and processed.

Matter **T7503 of 1998**, the ship repair allowance is it, Mr Baker?

MR BAKER: Yes, sir.

COMMISSIONER IMLACH: Yes. Thank you. The Safety Net Adjustment, et cetera, a total of six per cent, I understand, is sought  
30 by the union. The Chamber has requested the appropriate figures and calculations basis for that application, and as I understand it, has advised that subject to that information being supplied agreement ought to be able to be reached and a draft order will be supplied.

35 Again, I think with that one, Mr Watson, your agreement in writing might be advisable. Thank you. Perhaps we ought to apply that to each one of these.

MR WATSON: Yes.

COMMISSIONER IMLACH: Thank you. And then finally, **T7523 of 1998** - prescription for adult apprentices in the award: the parties have agreed that this matter be adjourned so that investigations can take place as to the incidence of adult apprentices and on my  
5 suggestion if it's found that there are such employees that I'll be taken to see an interview - one or - two at least, just for the record and that then I've indicated that if there are such employees, a prescription would be in order and that it would be up to the union to satisfy the commission that that would be an order under the guidelines to be  
10 inserted in the award. And then I'd recommend to the parties that they seek to get a basis for a rate. I understand that there is a rate in the federal award. That doesn't mean that that would be the rate granted, but the parties ought to use that as a stepping stone to return with an agreed amount.

15 So that matter - the final matter - T7523 will be adjourned on that basis and I'll await an application to the commission to proceed with that application, in particular from yourself, Mr Baker, and that matter will be brought on.

If there is any disagreement and it seems as though one or all of these  
20 matters need to be arbitrated and it's possible to be done within a reasonable time I'll make sure that each one is brought on separately prior to the 9th April. If the parties are agreeable it can be done in May, but that's what - I'm available prior to that if necessary. And in each case I would hope and expect the parties in the draft order also  
25 submit an agreed operative date.

Now is that your understanding of our discussions and the processes arising out of those, Mr Baker?

MR BAKER: Yes, sir. I think the summary encapsulates our discussions perfectly and I'll attend to those two draft orders as  
30 indicated and I'll forward those to Mr Watson and a copy of which I'll also of course forward to the commission.

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

MR WATSON: Yes, that is my understanding, commissioner, in relation to the process that we've agreed to.

35 Just in relation to timing, you said that you may wish to bring them on before the 9th April; do you have any specific dates in mind because I've - firstly, I've got a fairly full schedule.

COMMISSIONER IMLACH: Yes, well so have I, but that's in the dread case that you don't reach agreement, Mr Watson. You're casting  
40 a pall over all proceedings here.

MR WATSON: No, certainly not, commissioner, just I don't want to be in the position where we look at dates further down the track and then our diaries fill up.

5 COMMISSIONER IMLACH: Yes, I can - subject to my associate's confirmation - you understand I have to be careful of that - later in the afternoon, say, about half past three on Thursday, 2nd April, or early in the afternoon of Wednesday, 1st April. How's that? You've got to check that do you, Mr Watson?

MR WATSON: No, that 1st April is not a joke is it, commissioner?

10 COMMISSIONER IMLACH: Afternoon, I understand you don't have to worry, Mr Watson.

MR WATSON: Oh, yes, good point. Yes - no they should be fine. Yes, the 3.30 on the 2nd April would certainly be suitable to me.

15 COMMISSIONER IMLACH: Right. We'll just go off the record for a minute thanks.

**OFF THE RECORD**

COMMISSIONER IMLACH: There is nothing else, gentlemen?

20 Well, thank you. I recommend that you apply yourselves to those matters. It seems to me you should be able to reach agreement on the three fairly procedural ones. The final one about the adult apprentices, there's no rush, as you tell me, and I look forward to proceeding with that because it is the sort of thing that ought to be attended to. And so I recommend all that to the parties.

25 All matters will be adjourned. If I receive agreed draft orders that will be the end of them, they'll be closed and I'll await to here from the parties for those items that they seek to have brought back on. Thank you.

**HEARING ADJOURNED**