

**TASMANIAN INDUSTRIAL COMMISSION**  
Industrial Relations Act 1984

T No. 5296 of 1994

**IN THE MATTER OF** an application by the  
Australian Liquor, Hospitality and  
Miscellaneous Workers Union - Tasmanian  
Branch for the making of a new award

re the Wholesale Plant Bakeries Award

COMMISSIONER WATLING

HOBART, 19 July 1995  
continued from 14/6/95

**TRANSCRIPT OF PROCEEDINGS**

Unedited

COMMISSIONER WATLING: I'll take appearances, please.

**MR K. O'BRIEN:** If the commission pleases, I appear on behalf of the Australian Liquor, Hospitality and Miscellaneous Workers Union.

COMMISSIONER WATLING: Thanks, Mr O'Brien.

5 **MR T.J. EDWARDS:** If it please the commission, EDWARDS, T.J., for the Tasmanian Chamber of Commerce and Industry. Appearing with me, **MR J. JESSUP, G. JONES, A. INGLIS** and **J. PACKHAM**.

COMMISSIONER WATLING: Good. Thank you.

MR O'BRIEN: I'm outnumbered, it appears, Mr Commissioner.

10 COMMISSIONER WATLING: Yes. You should know, it's all based on the numbers. They're going to have the vote today, aren't they?

MR O'BRIEN: I'll bring a few in for that.

MR EDWARDS: Early and ....

MR O'BRIEN: I thought we did that, not your side of the fence.

15 Mr Commissioner, we did set aside today to commence argument in relation to the matters that have been outlined to you in conference as being the subject - or not the subject of agreement between us in relation to the application before the commission to create the substance of the Wholesale Plant Bakeries Award.

20 Arising from our earlier conference, there have been some informal discussions between Mr Edwards and myself earlier this week and at that time, I think it's fair to say, that we arrived at the view that perhaps conciliation ought not conclude at this stage and that we explore further a number of the items which I think we felt at our earlier conference could not be agreed and would need to be determined by you.

25 Having said that, I would ask the commission to indulge us by adjourning this matter, in terms of today's proceedings, adjourning the matter until 3.00 p.m., at which point the parties can report to you, Mr Commissioner, whether any further progress has been made and at that stage determine how we need to programme the matter further. There will obviously need to be further hearings whether there's progress or not and we would hope to be in a position to inform you of how we intend to conduct the  
30 matter further at 3 o'clock this afternoon. One possibility that Mr Edwards has raised with me this morning is that at that time, if it is possible, we may wish to seek your further assistance in conciliation and I would hope that you might be available for some short time to assist us, if that is required at 3 o'clock.

COMMISSIONER WATLING: Mr Edwards?

35 MR EDWARDS: Yes, commissioner. Since this matter was last before the commission in formal proceedings, there has of course been a conciliation conference chaired by the commission at which we fleshed out a number of issues that at that stage were not agreed between the parties and we have also undertaken an inspection programme in accordance with the direction you laid out in transcript on the last time  
40 we were before you.

I think it is fair to say that Mr O'Brien's report of more recent conferences between the parties is fairly accurate and that is that, firstly, there was an additional conference

between all the parties last week and I think we made some good ground there on some of those issues we were apart on in the classification definitions.

5 In addition to that, I took the opportunity early this week, as Mr O'Brien has indicated, to have further discussion with him on a number of items that we thought perhaps could break some of the deadlocks between us. I am reasonably optimistic that the number of issues between us can be substantially reduced, if not eliminated, by an adjournment of this matter today for the parties to proceed into further conference on this particular issue and to report back to the commission in the way that Mr O'Brien has suggested.

10 I did suggest to Mr O'Brien that it may be that if there are one or two small issues between us at, say, 3 o'clock, it may be that further assistance of the commission may just be able to break that deadlock for us. If not, well of course everyone's rights are reserved from that point onwards.

COMMISSIONER WATLING: Put it all on the black?

15 MR EDWARDS: All on the black. Perhaps we should go to Sandy Bay rather than to North Hobart.

Having said that, commissioner, we would support the application for adjournment made by Mr O'Brien in the terms that it has been made and would report back to the commission, as suggested, at 3 o'clock if that's a convenient time for the commission.

20 COMMISSIONER WATLING: Right. I hear what you say. This matter will stand adjourned until 3 o'clock.

#### **INTO CONFERENCE**

COMMISSIONER WATLING: Mr O'Brien?

MR O'BRIEN: Mr Commissioner -

25 COMMISSIONER WATLING: Your desk looks pretty clear.

MR O'BRIEN: The desk is clear. I'm not proposing to start a case of substance at the moment. Indeed, we have made some progress this morning and thank you for allowing us the opportunity to resume our discussions. It is, I think, fair to say that although the discussions at this stage remain 'without prejudice' we appear to have made substantial progress and perhaps the best way that I can put it is the number of items that we haven't made progress on are well and truly outnumbered by those, upon the basis that I outlined, we have moved closer to settlement on. I do not think it would be fair at this stage to describe, on the record, those matters because I think we are trying to talk about this matter in the context of putting together a total package.

35 Having, in effect, run out of time today and we have spent a considerable time in discussions and the parties have had to separate for their own discussions, it has been agreed that we meet again on Friday 28 July in Hobart and that would be us negotiating as parties only and subject to your availability, Mr Commissioner, it was hoped that we would be able to list this matter again before you on 4 August, if that's available, or some date after that, given the availability of the parties. Hopefully at that stage we would be in a position to report that we had been able to resolve the issue. However, if that's not the case, we would no doubt be wishing to re-establish a timetable for determination. I guess it's fair to say, this is the last gasp of the conciliation process and those matters that we can't agree upon by that date, 4  
45 August, I think we would need to programme to have determined by you.

COMMISSIONER WATLING: Yes. Is that your understanding, Mr Edwards?

5 MR EDWARDS: Yes, it is, commissioner. I can confirm that we've had fairly lengthy negotiations today which have resolved, at least in a 'without prejudice' way a substantial number of issues that the parties were apart on. Mr O'Brien has used the  
10 term, substantial progress. What is progress to one is often regression to the other, I suppose, and I guess from the point of view of the people I represent, we can indicate that there has been some progress made, that there seems to be about three issues that separate the parties at this stage, which we will require some more time on, and the programme that's been outlined by Mr O'Brien is satisfactory to us, subject as he has already indicated to the commission's availability and we too see probably 28 July as being the last hoorah of the negotiating process. Really, I think, if we can't sort out the three issues that day, we are probably unlikely to. If it please the commission.

COMMISSIONER WATLING: Good. We might go off the record.

**OFF RECORD**

15 COMMISSIONER WATLING: Thanks for the report. This matter will stand adjourned until 9.30, 4 August 1995.

**HEARING ADJOURNED**