

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T Nos 2146, 2147, 2152
and 2167 of 1989

IN THE MATTER OF finalisation of
orders arising out of the State Wage
Case of 9 November 1989 in relation
to the Plumbers Award

COMMISSIONER WATLING

Hobart, 28 February 1990

TRANSCRIPT OF PROCEEDINGS

COMMISSIONER WATLING: I will take appearances, please.

MR HEVEY: REX HEVEY, Mr Commissioner, appearing for the Plumbers and Gasfitters Employees' Union.

COMMISSIONER WATLING: Thanks, Mr Hevey.

MR CLUES: If it pleases the Commission, I appear for the Tasmanian Confederation of Industries and the Master Builders' Association of Tasmania, CLUES S.

COMMISSIONER WATLING: Good, thank you, Mr Clues. Mr Clues, we welcome you to the Commission. I understand that this is your first formal appearance. I hope it is the first of many. In a few years' time you might find yourself sitting up this end of the bar table. Anyway, all the best for your career in this area.

MR CLUES: Thank you very much.

COMMISSIONER WATLING: Mr Hevey?

MR SCOTT: Excuse me, Mr Commissioner, BARRY SCOTT. I appear for the Master Plumbers' Association of Tasmania.

COMMISSIONER WATLING: Good, thank you. Right, thanks, Mr Hevey.

MR HEVEY: Thank you, Mr Commissioner. Mr Commissioner, the document we've put before you today is a document that has been gone through by both the parties. There seems to be some great deal of agreement on it. There is only one part that is not agreed to, and that is by the AMWU on the sheet metal rates.

But because the agreement was between the parties which met today, the rates as are in our document were the ones that we agreed to. But I will explain to you as I go along what the AMWU are saying about the rates.

COMMISSIONER WATLING: Right. Are you not ...

MR HEVEY:

There are three ... sorry ...

COMMISSIONER WATLING:

Well, I will let you get to that point anyway. I just wanted to make the point that the purpose of today's gathering is really not to in any major way depart from what is already in the award, but it is for the purposes of only processing the State Wage Case decision.

Therefore we are not here in any major way to depart from what is already in the award. If one is going to depart from any structures or conditions or pay rates, then that may be appropriately dealt with under the structural efficiency negotiations.

You probably have noticed that the 'T' numbers under which this matter has been brought on is not a separate application. It is the State Wage Case decision 'T' numbers. And we are only processing that.

The only reason that we are having the hearing is that if it was processed slightly ... exactly to the letter of the verbiage contained in that decision, then it may not end up quite the same as the national award, which this award has had some nexus with.

But anyway, we will deal with that when we get to it.

MR HEVEY:

Well, if I could explain there, Mr Commissioner, there is no structural change as far as a pay rate is concerned. It is a matter of bringing the wording and some of the clauses up to date with the same classifications that apply in the Building Trades Award, State, and the federal award.

COMMISSIONER WATLING:

Yes, I appreciate that. But just when you mentioned the metal works, I felt a bit of a shudder go down my spine.

MR HEVEY:

No, I just had to mention that

because I was told to put it forward that they don't agree with the rates that are in here. But I will explain the reasons why as we go along if you wish.

COMMISSIONER WATLING: Yes, right.

MR HEVEY: There certainly are some wording changes, Mr Commissioner.

COMMISSIONER WATLING: Oh yes.

MR HEVEY: But all it does is brings it into line with the Building Trades Award which ... we certainly had an ear to your own fairly (well, I took it) fairly stern warning to the parties that you need some sort of decision on that building trades, or Building Industry Award that has been sitting before you for some considerable time now. And as it doesn't include plumber classifications ...

COMMISSIONER WATLING: Yes.

MR HEVEY: ... we would certainly want to be in a position of saying, when it finally does hit the deck, that we can withdraw out of that and fall back on the plumbing award, rather than have to go through an process before we could do that.

COMMISSIONER WATLING: Yes. Well, I see this hearing really doing things that are consistent with what we have done in the past. And I don't intend to depart from what has been decided nationally as this award has had a strong nexus with what has happened nationally, especially the Plumbing Trades (Southern States) Agreement.

MR HEVEY: There is one clause, Mr Chairman, where because the State award is a considerable amount in excess of the federal award, we are asking that be held in abeyance until it catches up.

COMMISSIONER WATLING: Right.

MR HEVEY: So it is a matter of some down and some up.

COMMISSIONER WATLING: Right, no worries.

MR HEVEY: There are three documents, Mr Commissioner. One is the claim. The other one is to explain a change of a classification, or the definition of a classification, which you accepted into the Building Trades Award. And the other one is the federal decision on the rates applying in the federal Plumbers Award.

COMMISSIONER WATLING: Do you want to tender those now?

MR HEVEY: If I could, please.

COMMISSIONER WATLING: We will mark these ... we will deal with them separately, I think.

Right, well, we will mark the document ... and all parties have got a copy, have they? We'll mark the document that has just got 'The Plumbers Award', we'll mark that Exhibit H.1.

We'll mark the document entitled 'Draft Order' H.2, and we'll mark the document which is headed 'The Australian Industrial Relations Commission', and it's Print No. H9327, we'll mark that Exhibit H.3, and you can deal with them in any order, Mr Hevey.

MR HEVEY: Thank you, Mr Chairman. Presumably, we'll put it down as a claim, Mr Commissioner.

COMMISSIONER WATLING: Yes.

MR HEVEY: The first part dealing with the wage rate, the other calculations, is purely and simply in line with the federal award.

It's changing the words where 'additional payment' is removed, and the words become 'supplementary payment'.

COMMISSIONER WATLING: Right.

MR HEVEY: The major change we see there is in

the weekly base rate where the existing wording in the State award is counter to what is in the other awards - all the federal plumbers' awards, including the Southern States Agreement and the State Building Trades Award.

Presently it mentions 'registered sanitary plumber, registered mechanical services plumber or gasfitter, registered water or roof plumber, registered drainer, and unregistered plumber'.

Now, there is a rate set for those, and you go across to the clauses again and you come to 'registration allowance', which puts another amount in. Perhaps somebody might be able to read you get both of those, but obviously that isn't the case.

But the wording we would suggest to you there, Mr Commissioner, is in line with the other awards. I think it is fairly more real than what it means.

It cuts out the unregistered plumber rates. All those will be, in effect, unregistered people.

COMMISSIONER WATLING: Right.

MR HEVEY: And the registration allowance is picked up later on.

On (c) is deleted again the words 'Additional Payments' and replaced with 'Supplementary Payments', again, catching up with the new paid rates award removal from the federal award.

As applies again in (d).

On the registration allowance, Mr Commissioner, they are in line with the federal award.

Registered nominees: that is the one, Mr Commissioner, that is out of kilter with the federal awards, and out of kilter with the State Building Trades Award.

I think if the amount was placed on that it would go to \$74 as against the \$67.30 in the federal award and the state award.

COMMISSIONER WATLING: Right, and you are seeking just to leave that ...?

MR HEVEY: We are seeking to leave that as is, and ...

COMMISSIONER WATLING: No alteration. Well, I will put in that under (f) then 'no alteration'.

Right, and you are seeking to bring it back in line, are you? That's obviously stepped out of line somewhere where we amended it before.

MR HEVEY: Somewhere along the line stepped out of line. I don't know where. Somebody has been very generous in the past, I guess, Mr Commissioner, and ...

Nominee and the foreman originally started out in the State awards as a common rate but somewhere along the line they changed, and it is now showing up.

Probably when it was only a dollar or two it didn't, but it is now starting to show up as an amount that is fairly much considerable and in excess.

But, rather than ask you to drop any rate back, we'd say leave it, and it will catch up eventually.

(g), of course, 'Plumbing Trade Allowance' is again the same as what the change is in the federal award, as is the 'Industry Allowance'.

(j) deals with the removal of site allowances from awards, so that is self-explanatory.

'Leading Hand and Foreman', they are the rates again in line with the federal determination - the leading

hands at least are, the foreman being a Tasmanian classification is the same rate applying.

And you will notice there the \$74, Mr Commissioner, is what would have been the nominee, because, as I said, they were moving as a common rate.

`Lead Burner', again the federal determination and the State determination.

`Ships Plumber' the same.

With the `Certified Welding Allowance' that applies in all plumbing awards including the State Building Trades Award, but somewhere along the line it must have fallen out of the Plumbers Award, because my recollection is it was in there some years ago, but because, I think, of the fact that being two awards in the State the concentration was mainly on the Building Trades Award, these classifications, and the same consideration wasn't given to the Plumbing Trades Award.

But we are asking, Mr Commissioner, that that be placed in, and the employers have agreed to that proposition.

On `Apprentices' the same thing applies as far as the `additional payments' is concerned, and replaced with the words `Supplementary Payment', and the rates are agreed rates - employers.

`Multi-Storey Allowance', clause 24, is the same as the federal award.

When we get on to the `Special Rates' someone suggested perhaps we ought to get rid of all special rates, and I am inclined to agree with that, Mr Commissioner, because it is rarely people do pick these things up, with the pages and awards which cover these sort of classifications.

At the bottom of the page the last

four are not in the State determination for plumbers, are in the Building Trades Award for plumbers, and are in all federal awards.

Again, 'Acid Plants and Chemical Works' may be picked up in some States but, of course, the people we'd have in there would be lead burners who don't pick it up anyhow.

'Bitumen Work, Cutting Tiles, Computing Quantities and Hospitals' are purely and simply following what's in the federal award and in the Building Trades Award.

So to keep uniformity, Mr Commissioner, we are asking that that be included in the award.

COMMISSIONER WATLING: So we actually put the actual contents of the Building Trades Award for, say, bitumen work, the exact verbiage?

MR HEVEY: I have got it here for you, Mr Commissioner.

COMMISSIONER WATLING: Oh, right.

MR HEVEY: It is taken from the Building Trades Award, so I will pass it up to you.

COMMISSIONER WATLING: Right. We'll mark the Exhibit ...

MR HEVEY: You'll find at the end of that, Mr Commissioner, it is a lift off of the other sheet. The subclause (o) which is an explanatory clause, and I think it should be in there.

When you look at the award you sometimes think perhaps a page fell out of the old Plumbers Award because as an explanatory clause it should have been in there earlier. It probably was.

COMMISSIONER WATLING: We'll mark this H.4, and that H.4 really should be read in conjunction with clause 34(j)(k)(l)(m)(n) and (o). It says no (o), but you want to insert an (o).

MR HEVEY: agreement, Mr Commissioner.

COMMISSIONER WATLING: Yes.

MR HEVEY: It's, as I said, an explanatory clause, it's not a money amount.

COMMISSIONER WATLING: I only raise the question - and I'd have to probably look at it - in relation to hospitals, we have a Hospitals Award and I suppose it could be said that these are people ... to cater for people that don't work in hospitals.

MR HEVEY: Mm.

COMMISSIONER WATLING: Right.

MR HEVEY: Yes. It's not intended to apply to hospital employees as such, Mr Commissioner.

COMMISSIONER WATLING: Yes, right.

MR HEVEY: As I said, it's taken from the Building Trades Award and the federal award for plumbers ... not put in there as anything to cover ...

COMMISSIONER WATLING: Right.

MR HEVEY: The reality is, they rarely get used anyhow, quite frankly, Mr Commissioner. Even the employees themselves would rarely ever write any of these clauses on their time sheet.

They may pick up asbestos and things like that, if and when it occurs, but it's a rare occurrence.

I think the plumbing trade allowance took care of quite a few of those years ago.

COMMISSIONER WATLING: Yes. Yes. Is there discussions during the structural efficiency matters to have a look at some of these things? I suppose it depends on what you're doing nationally.

MR HEVEY: Well, that is exactly where we watch

closely what is going nationally, Mr Commissioner.

COMMISSIONER WATLING: Right.

MR HEVEY: And there is some mention of this on the sheetmetal workers on some of the clauses in the sheetmetal where I'll let Mr himself explain that.

COMMISSIONER WATLING: Right. Good. Thank you.

MR HEVEY: The sheetmetal worker rates are the rates ... are the agreed rates, Mr Commissioner.

COMMISSIONER WATLING: And they are the current rates with the \$15 attached and the \$12.50.

MR HEVEY: Yes. The AMWU have asked me to say to you that they don't agree with that. They think it should reflect their national rates in the federal Metal Trades Award which would be roughly about \$4 to \$5 increase in that again.

COMMISSIONER WATLING: Yes.

MR HEVEY: I'm not aware of any nexus that they've asked for to apply in the past, sir.

COMMISSIONER WATLING: Yes.

MR HEVEY: But that's up to them to explain that to you, Mr Commissioner.

COMMISSIONER WATLING: Well, I think I'd have to say to you that you can advise them that you've raised it, but quite frankly you're in a position today, in not taking a work-value case for sheetmetal workers, you're in the position of processing the State Wage Case decision. And I can't alter that and I'm not embarking on a work-value case for sheetmetal workers.

MR HEVEY: No. I appreciate that.

COMMISSIONER WATLING: And therefore I think that that is something that they should look at during structural efficiency

negotiations.

MR HEVEY:

Yes.

COMMISSIONER WATLING:

And that's really the only avenue open to them at the moment.

MR HEVEY:

I think quite frankly they accept that otherwise they would have been here to explain it themselves to you, Mr Commissioner ...

COMMISSIONER WATLING:

Yes.

MR HEVEY:

... rather than leave it to me, which it is not my field anyhow.

COMMISSIONER WATLING:

Yes.

MR HEVEY:

But I have put to you what their views were.

COMMISSIONER WATLING:

Yes. Well, I've taken it on board, but I think equally maybe you could let them know ...

MR HEVEY:

I will.

COMMISSIONER WATLING:

... you raised it and my response from the Bench was that it's a matter that's got to be taken up in the structural efficiency thing.

MR HEVEY:

Yes, sir.

COMMISSIONER WATLING:

We're only processing the State Wage Case decision.

MR HEVEY:

Yes, Mr Commissioner.

The plumbers again is the agreed rates. This is just a follow on from the rates applying - as is with the leading hand; the registration allowance.

Apprentices and junior workers: there's no ... there was agreement on that one. The junior worker part of it raised a bit of conversation perhaps between the parties, Mr Commissioner, as the junior worker shall be paid the weekly rate as follows: a percentage of ...'.

Now, the rate ... I can remember back - it goes back quite a few years - it was set as a minimum rate, that rate that fitted in there. Nobody seemed to be too sure what that was nowadays, so the employers ... the proposition came from both parties and was agreed that the rate would apply ... the 12.50, was it?

MR CLUES: 12.50, that's right

MR HEVEY: 12.50 to the rate applying and the percentage rates be based on that.

Now, that was where ... and I've missed a ...

COMMISSIONER WATLING: Where does the 252.40 come from?

MR HEVEY: Well, perhaps

COMMISSIONER WATLING: Mr Clues?

MR CLUES: Well, I'll be addressing that issue in my submission.

COMMISSIONER WATLING: Will you? Right.

MR HEVEY: The old rate was 241, Mr Commissioner.

COMMISSIONER WATLING: Yes. Right. And you've just put the \$12.50 on.

MR HEVEY: Added the \$12.50, yes, onto that.

MR CLUES: That's right.

MR HEVEY: But Mr Edwards said to make it clear that that was one thing that would be looked at in the structural efficiency

COMMISSIONER WATLING: Right.

MR HEVEY: When we looked at adding just a 3%, the rate became rather ridiculously low and neither party was prepared to go ahead with that in that form. So we put that to you your support, Mr Commissioner.

COMMISSIONER WATLING: Right.

MR HEVEY:

And across the page the disability allowance is just purely and simply the same as what applies in the disability allowance.

We haven't got anything from clerks, Mr Commissioner, but that's ... I guess they will perhaps make a separate application to you to cover that.

COMMISSIONER WATLING:

Well, the clerks section would be processed as per the State Wage Case decision. The only reason that we're really looking at the section involving your organisation and the respective employer organisations is because the building trades was specifically excluded from the State Wage Case decision, and it said that it had to follow the national decision.

This particular award has had a nexus with the Building Trades Award and the national Southern States Agreement, and so they're being treated really as special matters.

MR HEVEY:

Yes. I appreciate that, Mr Commissioner.

COMMISSIONER WATLING:

And you see the plumbing trades wasn't exactly excluded ...

MR HEVEY:

No.

COMMISSIONER WATLING:

... for this special treatment, but I'm not about destroying what we've taken years to settle down and build up.

MR HEVEY:

We appreciate it very much. Quite frankly, I thought it was with ... it's always been treated the same.

COMMISSIONER WATLING:

No. It's only the plumbing trades ... it's only the building trades that was excluded.

MR HEVEY:

Yes. The building trades was mentioned.

COMMISSIONER WATLING:

Mm.

MR HEVEY:

Again we must have missed out somewhere along the line, but we appreciate the fact that you're prepared to rectify that.

Well, that is the document that we've put before you, Mr Commissioner ...

COMMISSIONER WATLING:

Right. Thank you.

MR HEVEY:

... and it's got agreement.

COMMISSIONER WATLING:

Right. Mr Clues?

MR CLUES:

If it pleases the Commission, I've been asked to appear in this matter on behalf of Mr Ken Brotherson who is currently disposed at the moment.

I have been advised that he has had discussions with Mr Hevey from the PGEU, and that the matters were to be included in the draft variation have been agreed upon.

The agreement is principally to ensure that the rates and allowances in Division A of the Plumbers Award reflect a nexus with the Plumbing Trades (Southern States) Construction Agreement 1979.

I think it's appropriate at this point in my address to highlight certain aspects of the agreement which have been addressed by Mr Hevey. Firstly, I think it would be appropriate to address the junior rates.

Your enquiry earlier was to where our minimum rates figure came from. The junior rates have historically been calculated as a percentage of the State's minimum wage. However, that has become out of kilter in recent years. So we have, with agreement of the PGEU, agreed that the amount should be increased by \$12.50 as a part of the first stage structural efficiency under the National Wage Case August 1989.

However, we do note that a review of

junior rates will occur as a part of ongoing structural efficiency negotiations.

COMMISSIONER WATLING: Right.

MR CLUES: To address the second issue that was raised by Mr Hevey, licence nominee, we're prepared to freeze the existing licence nominee rate at \$71.80. The freeze will remain in effect as long as the State rate is higher than the federal award.

We've also agreed to absorb against any future increases

COMMISSIONER WATLING: Right.

MR CLUES: I think as I was going to address the issue of sheetmetal workers, but as you say, that will be addressed at a later date ...

COMMISSIONER WATLING: Yes. Yes, well ...

MR CLUES: ... when raised by the ...

COMMISSIONER WATLING: ...I think I've made my point fairly clear on that.

MR CLUES: Yes. That's right.

COMMISSIONER WATLING: So ...

MR CLUES: Well, in summation then, I would just like to say that I have viewed the draft variation and I am accordingly satisfied with all aspects of those variations on behalf of TCI and also the Master Builders' Association of Tasmania.

COMMISSIONER WATLING: Good. Thanks, Mr Clues.

Mr Scott?

MR SCOTT: It doesn't leave me much to say, Mr Commissioner ...

COMMISSIONER WATLING: No.

MR SCOTT: ... except that the Master Plumbers' Association have no objection to what has been presented before you today

by Mr Hevey and supported by the representative from the TCI and the Master Builders' Association.

COMMISSIONER WATLING: Right.

MR SCOTT: If the Commission pleases.

COMMISSIONER WATLING: Thank you.

Well I can indicate to the parties that the award will be varied in the manner sought and, of course, the operative date will be that of the State Wage Case decision. And we will now process the orders and try and have them out to you in the not too distant future.

I indicate to you now they will be varied in line with the amounts sought by the parties and the agreement presented.

Therefore it leaves me to now close this hearing. Thank you.

HEARING CONCLUDED