

R

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T. No. 3929 of 1992

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

re minimum rates adjustment and
restructuring of award

COMMISSIONER GOZZI

HOBART, 22 November 1994
continued from 4/10/94

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: Any changes in appearances this morning? If not, who would like to go first?

5 MR BAKER: Well I'll just kick it off briefly, Mr Commissioner. That seems to be the way of these things over the last couple of years.

I am very pleased to advise the commission that I do believe that we've finally reached an 'in principle' agreement with the employers as to the future structure and direction as far as this award is entailed.

10 We did have a meeting a few weeks ago where all the parties were present and we had some discussions about the structure of the award.

Now unfortunately - well before I go any further in that - in that vein - I think it would be appropriate if I - you may recall, Mr Commissioner, that I did present to the bench a - a document which we were to use as the basis of an agreement. That document -

COMMISSIONER GOZZI: That was the document in the -

15 MR BAKER: Yes.

COMMISSIONER GOZZI: - under cover of letter of 7th January '94.

MR BAKER: That's right, yes, Mr Commissioner.

COMMISSIONER GOZZI: Mm.

20 MR BAKER: Now we have sort of had some discussions on that document and Mr Joyce has prepared a document which I'll allow him to address you on and I think we're almost there.

COMMISSIONER GOZZI: Oh, that sounds very encouraging. Thank you, Mr Baker.

MR BAKER: I'll hand over to Mr Joyce.

COMMISSIONER GOZZI: Mr Joyce?

25 MR JOYCE: If the commission pleases. Commissioner, I've arranged this morning through your associate to have two documents in front of you. The first one is the draft and is headed Tasmanian Industrial Commission Industrial Relations Act Section 23 Application to vary an Award, and the second one is once again headed draft, and it's Clerical - Grade 1 Clerical Assistant.

30 COMMISSIONER GOZZI: We'll mark those exhibits J.1 and J.2.

35 MR JOYCE: Commissioner, what you have in front of you this morning is two documents if I will. The first document before you is the - J.1; it's the draft order which I hope the parties today 'in principle' can agree that that will be the basis for the increase. What we are seeking in - in point is an 'in principle' agreement that the Automotive Services Award will be varied if you will in three stages. The first stage we'd seek is the operative date of today, the first full pay period on or after the 22nd November. What we'd seek to do is to have a phased increase to bring this - the rates in this award up to those in the federal Vehicle Industry Repair Services and Retail Award.

In brief what we're seeking to do is to have three increases; the first increase would be a minimum rate adjustment if you will of 50%; 6 months later would be a second increase of 25% and the third would be 6 months after that of the remaining 25%.

5 It is stated for the record that this draft order currently may exclude one or two classifications that are currently included in the Automotive Services Award; that is why we would request perhaps two to 3 weeks' grace from the commission so we can finalise the draft orders.

COMMISSIONER GOZZI: Mm.

10 MR JOYCE: But if I could also go on, J.2 was the draft clerical classifications which we spoke amongst the parties on the 12th October. It would appear that once again we have agreement on those matters and ultimately we'd seek to incorporate what is currently J.2 into J.1 to have a combined draft order which we'd seek to be able to present to you perhaps two to 3 weeks hence.

COMMISSIONER GOZZI: Mm.

15 MR JOYCE: With respect to the implementation, as yet competency standards for those above trades have not been established and therefore for the record the chamber think it would be wise not grade any employee above Grade 6 until those competencies have been developed. That would be the preliminary positions of the chamber if the commission pleases.

20 COMMISSIONER GOZZI: Now, Mr Joyce, in respect of what you've got here - J.1 - that's intended to vary the award as indicated there by deletion of the various clauses currently in the award and so we have definitions. Anything in the definitions that I need to be concerned about?

25 MR JOYCE: As yet, commissioner, I would suggest no. What I've sought to do is give the unions as much time as possible because of a number of factors it has only been a very short time which the unions have had this document - indeed it was this morning, so what I've sought to do is to give them as much time as possible. I have spoken with my colleague, Mr Targett and as yet we can find no glaring points which we would consider to be obstacles, however I'd seek your indulgence perhaps - two to 3
30 weeks to allow my union colleagues an opportunity to go through the document with a fine tooth comb.

COMMISSIONER GOZZI: But why would you put this into the definitions clause? I mean this is really a classification structure and implementation arrangements arrangement; is it appropriate that that takes the place of definitions in the award?

35 MR BAKER: Sir, perhaps if I may assist Mr Joyce?

COMMISSIONER GOZZI: Yes.

40 MR BAKER: As I indicated, Mr Joyce has modelled the document on mine and I took mine into clauses 7 and 8 likewise and I base that simply on the structure of the award as it's contained in the Metals and Engineering Industry Award which has the definitions in clause 7 and then the wage rates in clause 8.

COMMISSIONER GOZZI: Well that's what we've got.

MR BAKER: Yes.

COMMISSIONER GOZZI: But what I'm saying is that the draft order, J.1 doesn't appear in clause 7 to be talking about definitions.

MR BAKER: I think perhaps that's an area which we need to tidy up as far as that's concerned.

COMMISSIONER GOZZI: Mr Targett wants to have a shot at the whole.

MR BAKER: He has a shot too, does he?

5 MR TARGETT: Commissioner, when Mr Joyce forwarded to me this draft document, I did speak to Mr Joyce and we understood from the conversation that he and I had yesterday that there were some drafting matters that needed to be corrected in relation to the document that he'd supplied to conform with the normal formats utilised by this commission through the definitions and wages clauses.

10 Certainly we would in the next couple of weeks latitude if - if you so grant, take the opportunity to ensure that the draft order that comes to you as a result of combining the two documents you have before you, conform with the normal layout that this commission utilises in definitions and wages.

COMMISSIONER GOZZI: Alright.

15 MR TARGETT: But there's certainly no intention to seek to remove from the general standards that have been established.

COMMISSIONER GOZZI: Well, I was just asking a general question as to - that - that's fine.

20 MR TARGETT: The other point was, commissioner, that - just as an example, in J.1 it commences by saying: Delete clause 7 - Definitions, and insert the following. If that was taken literally of course, there are some other definitions existing in clause 7, for example, Show Day, which haven't been picked up in this draft, so things need to be tidied up as well.

25 COMMISSIONER GOZZI: Yes, that's what I was thinking, that there might be some definitions that are still going to be relevant in whatever you do.

MR TARGETT: Yes, that's correct.

30 COMMISSIONER GOZZI: Well, Mr Joyce, I assume I should ask you about this. Mr Joyce, you've got here that the implementation period will operate for a 4-month period commencing from today and then from the 22nd March 1995 all employees will be transferred into the - into the award. However, in the meantime, the award as it is continues to operate.

35 Now - so that's one aspect - how do you relate that situation to what's currently in the award? But I guess more importantly, how do you propose to deal with the wage increases that you're you're proposing - and you haven't told me how much yet - but if the award isn't varied to reflect the new structure, how do you propose to reflect in the award the increases that you're proposing, because I - just to finalise that, because I assume that the classifications currently in the award will no longer be relevant in the context of what you're proposing to do in the future?

MR BAKER: That's correct.

40 MR JOYCE: commissioner, perhaps if I will just answer the first point first; with respect to J.1, the first point - 7(a), what I had done, is I had just drafted a document and I thought it may be appropriate to have an implementation period. I will take on board your comments and I will draft it accordingly to provide employers and employees with the best possible situation which they can utilise the structure.

5 With respect to the wage rates, commissioner, if I could just invite you to turn to J.1, and it's - I would say - say, the last five or six pages in the document, you will note that - that currently they exist - under wage rates - you'll note the areas there are - effectively do not currently contain wage rates. What I was seeking to do is have a discussion with my - my colleagues about the appropriate wage rates, commissioner.

10 What we are seeking to do is to have a phased introduction. I consider that it would be appropriate probably to make two subsequent applications to have the second and third increase done. What I'd seek to do is to provide you with a document in two to 3 weeks hence to have all of the wage rates set out with the classifications so that you would be mindful of the wage increases sought and the proposed date of the increase.

COMMISSIONER GOZZI: Yes, you see, at the moment I suppose you've directed me to that the document - that part of J.1 which is headed up 'Classifications' - paragraph - subparagraph - (j) is it?

15 MR JOYCE: Well, just at random, it's actually - the one in particular was - my document is double-sided so it's seven pages from the end and it's got 8 - Wage Rates - The following wage rates shall apply from the first pay period on or after 22 November.

COMMISSIONER GOZZI: We'll just go off the record for a minute.

OFF THE RECORD

20 COMMISSIONER GOZZI: Right - so clause 8 on page 14, Mr Joyce, what's that tell us?

MR JOYCE: What we're seeking to do there is, commissioner, in two to 3 weeks hence you'll find there will be the actual - the - the base rate, supplementary payments and the weekly rate. And what we'd also seek to provide you in - is a - a formal prospective dates for the two subsequent increases.

25 COMMISSIONER GOZZI: Each 6 months apart -

MR JOYCE: That is correct - yes.

COMMISSIONER GOZZI: Right. But at this point in time you're not expecting me to endorse a blank sheet of paper are you?

30 MR JOYCE: Commissioner, what we're seeking to do is just come before you to give an 'in principle' agreement -

COMMISSIONER GOZZI: Right.

MR JOYCE: - and perhaps two to 3 weeks hence provide you with the paperwork.

COMMISSIONER GOZZI: Right.

35 MR JOYCE: We've certainly - to note the fact that the parties have - have worked long and hard to make this matter by consent and we'd like the matter - with your indulgence - to be formalised perhaps within two to 3 weeks.

40 COMMISSIONER GOZZI: Yes. Look, I appreciate the work that's going into this and I think that's very good. What's the rationale for equating these rates in the award - the Automotive Industries Award with the federal - what was it - the Vehicle Industries Award.

MR JOYCE: Yes, commissioner, it's the federal Vehicle Industry Repair, Service and Retail Award. Commissioner, if I could, what we consider is that the national perspective appears to be the development of competency based training and also a national framework of career path development.

5 What the parties have agreed to 'in principle' is that it would be - it considers it appropriate that the employees in the Tasmanian automotive services receive the benefits of the classification structure and the competencies that have currently been developed by many of the organisations here through their federal office and we thought it would be appropriate for all Tasmanians to have the benefit of those
10 classifications and access to training.

COMMISSIONER GOZZI: Right. Well the classification structure then, it appears just looking at it that there is a significant rationalisation in the context of numbers of classifications and I think that's commendable.

15 What sort of phased increases are we looking at, at this stage and how will people translate it?.

MR BAKER: Well perhaps if - again if I make this, I've done some work on this, Mr Commissioner. It varies between various rates but at the - at the bottom end of the structure, if you took somebody who was -

COMMISSIONER GOZZI: Let's look at a classification, Mr Baker, and - existing.

20 MR BAKER: Alright. If you took a - if you took an employee -

COMMISSIONER GOZZI: Let's look at it, for instance, a - automotive serviceman for the purpose of Division B - now where do I find the rate of pay for that person? Division B - automotive serviceman is currently on \$344.40.

MR BAKER: Yes.

25 COMMISSIONER GOZZI: So what would that person become? What would that classification translate to - on page 14?

MR BAKER: Go back and find him.

COMMISSIONER GOZZI: I suppose

MR BAKER: It'd come in under - he'd come in at a level 3 under the new structure.

30 COMMISSIONER GOZZI: Right.

MR BAKER: And the rate would be \$365.50 at the completion of the minimum rates adjustment process.

COMMISSIONER GOZZI: Right. Now where have you got that rate from? In that document -

35 MR BAKER: It is the rate that comes out of the federal award. What we've simply tried to do is take the federal award rates and - and apply them to the state rates. Now in some instances there is a direct correlation between the classifications. In some areas there is no direct classification. For example, spare parts people - there are two classifications which appear in the state award which do not appear in the federal
40 award and vice versa, so there needs to be an exercise done as far as those people are concerned. Now we need to look at those. In some of the other areas, I mean they're easy to line up like the trades rates, for example.

COMMISSIONER GOZZI: Right.

MR BAKER: We know that there's \$20-odd a week difference between the state rate and the federal rate and we'll align those classifications up.

COMMISSIONER GOZZI: What's the trade rate federally?

5 MR BAKER: Four twenty-five twenty.

COMMISSIONER GOZZI: Why is it that it's no different to the state rate?

MR BAKER: Well it is in this award, sir, it's only four hundred - \$405.

COMMISSIONER GOZZI: Why would that be? I mean the -

MR BAKER: Because it hasn't had the minimum -

10 COMMISSIONER GOZZI: - because the relativity -

MR BAKER: - rates adjustment process.

COMMISSIONER GOZZI: Right. So in take context of lining it up with the trades rate of a hundred percent, you'll pick that up in this exercise as well?

15 MR BAKER: Yes. Yes. There will be - instead of - we'll move - there'll be - as Mr Joyce indicated there will four MRAs. What we are proposing to do is to move - sorry - three MRAs -

COMMISSIONER GOZZI: Right.

MR BAKER: - of - the first MRA will be 50% of the difference between the current rate -

20 COMMISSIONER GOZZI: Okay.

MR BAKER: - and the projected rate and then there'll be two subsequent adjustments of 25% -

COMMISSIONER GOZZI: Okay.

MR BAKER: - on - at each term.

25 COMMISSIONER GOZZI: I understand that. Now for convenience let's talk about the trades rate - tradespersons rate being \$425.10 - whatever it is - that's proposed to move by virtue of the safety net adjustments federally anyway to four hundred and -

MR BAKER: Thirty three.

COMMISSIONER GOZZI: No - yes - 433 - 441.

30 MR BAKER: Yes.

COMMISSIONER GOZZI: At the end of the -

MR BAKER: End of the day - yes.

COMMISSIONER GOZZI: - at the end of the safety net adjustment process. Are you going to pick that up, if so, why - and I won't ask the follow-up question.

MR BAKER: Well the first question is sufficient. Mr Joyce and I have had 30 seconds on that this morning - as a - I think we put that on the reserve list.

5 COMMISSIONER GOZZI: Well indications are - I mean, in the state wage proceedings the parties have put forward a consent document proposing adjustments on that basis to 441 with the operative dates locked in -

MR BAKER: Yes.

10 COMMISSIONER GOZZI: - date of decision then 6 months, 6 months, and so on and so forth, offset to the - offset to the tune of any enterprise agreements that may have been negotiated since November 1991 and I'm just wondering in the context of this award and your proposed operative dates how you intend to process the safety net adjustments that may - and I put it no higher than that - may flow consequential to the state wage bench handing down its decision hopefully before Christmas.

15 MR TARGETT: I'd love to have a go at that one, commissioner. The 'in principle' agreement we have is for the trades rate of a hundred percent to move to 425.20. Dependent on the decision that arises from the full bench and State Wage Case, that will then determine what processes will or won't apply to the trades rate of 425.20 and what movements may occur. If the decision from the bench - the full bench and the State Wage Case determines that each award requires a separate application to move it for the second \$8 - if I use that colloquialism - then it - this award would be subject
20 to an application, I assume from the unions, to move the second \$8 which would then move it to the 433.

COMMISSIONER GOZZI: Mm. Because -

MR TARGETT: But certainly the 'in principle' agreement relates to the existing 425.20.

25 COMMISSIONER GOZZI: Alright.

MR TARGETT: And then it was subject to the state wage bench.

COMMISSIONER GOZZI: And the 425 really relates to the December '93 -

MR TARGETT: Absolutely.

COMMISSIONER GOZZI: - State Wage decision -

30 MR TARGETT: Absolutely.

COMMISSIONER GOZZI: - and - and subsequent - and that's just a realignment of supplementary pay into the - into the base rate, and the subsequent adjustments if they're approved by the bench would be beyond when the due dates are -

MR TARGETT: Beyond that - that is correct.

35 COMMISSIONER GOZZI: - and at that point you'd look at that exercise in the context of this award.

40 MR TARGETT: We see this - yes, commissioner, we see this process that's currently being undertaking to be part of the award restructuring process which is in existence at this point in time as opposed to any decision that may flow from the current State Wage Case that's under consideration.

COMMISSIONER GOZZI: Very good.

MR TARGETT: In addition to that, if I could just make one other comment which relates to something that you asked both Mr Joyce and Mr Baker and it goes to the question of translation, I think it needs to be pointed out that in translating the existing classifications into the new structure which we have an 'in principle' agreement on, whilst it is correct to say that there is three MRAs, the first being 50% and two 25 percents, I think it also needs to be quite clearly stated that in that translation process at the commencement of the new classification structure there will be a variety of increases to various classifications because of the various wages that the current award applies to different classifications, and in translating the existing classifications to the new it becomes almost a broadbanning process and the first MRA to get everyone to the correct level in the new - in the new structure.

COMMISSIONER GOZZI: Yes, look that - that's certainly the way I see it too, because otherwise you wouldn't be moving away from what you've currently got and I guess it's up to the expertise of the people here to look at the broadbanning exercise in that way and to make it relevant to whatever applies out in the industry now. Obviously that's your respective roles, to come up with something on that and I'm quite relaxed about that process.

MR TARGETT: Commissioner, I think to a degree it's partly been done, although not yet completed until we complete these documents. In looking at - just as an example, page 7 of the document, J.1, and I acknowledge at this stage there are still some tidying up exercises to be done in relation to this but in the top half of page 7 you will see the bold heading, Existing Award Classifications Contained Within Level 1 R1. Those classifications, to a degree, satisfy that broadbanning structural process and the intent will be, when we get the final draft to you, that within that section of the document, will be existing award classifications within each of the new levels. So the broadbanning process will be integrated into the new definition of structure.

To simplify it, on an ongoing basis because there is obviously as in other industries a significant degree of resistance to change and calling people by new classifications, there is every likelihood for example that the industry may well continue to call a person a workshop cleaner for the next 10 or 15 years, so by integrating the broadbanning process into the new structure in this method, enables the industry to continue to use that historical terminology that ensures that the new structure maintains its integrity.

COMMISSIONER GOZZI: Yes, that's good. I suppose the key issue here is to be satisfied as to the relativities to the \$425?

MR TARGETT: Yes, that's correct. Obviously, the relativities have been placed in this document on page 6 against the new structure -

COMMISSIONER GOZZI: The relativities, yes.

MR TARGETT: We use those relativities, based on the standards that have been established and obviously a lot of the existing classifications within the Automotive Industries Award we can use the relativities that have been determined in a wide range of industries to ensure that we pick up what are considered by this commission and in general terms, all jurisdictions, as being relativities.

COMMISSIONER GOZZI: Fine. So can I assume then, that from page 7 onwards in respect of existing award classifications which are proposed to line up with the new levels, that that picks up all of the existing classifications?

MR TARGETT: You can assume that, commissioner, but I make the point that at this point in time there are some omissions which we have to tidy up. At the end of the day, yes, that will be correct.

COMMISSIONER GOZZI: So, you're a long way down the track from what you've indicated to Mr Joyce?

MR TARGETT: Yes, that's correct.

COMMISSIONER GOZZI: That's fine. Thanks very much.

5 MR BAKER: Just one final thing, Mr Commissioner, in relation to competency standards for those above the trades level, perhaps I should advise the commission that -

COMMISSIONER GOZZI: That's above the \$425?

MR BAKER: Above the \$425 level.

10 COMMISSIONER GOZZI: I'm sorry to interrupt - which is what -

MR BAKER: Level 6.

COMMISSIONER GOZZI: Right.

15 MR BAKER: The National Automotive Industries Training Board appointed consultants earlier on this year to develop those competency standards and those consultants in fact did an all-states tour to talk to representatives of the industry and I understand they are returning in fact to Tasmania, along with the other states, on 13 December for a validation exercise. So, those standards should be very close to fruition early next year. It is just where that is at the present time.

COMMISSIONER GOZZI: Is that done through TAFE, is it?

20 MR BAKER: No. They were done through the National Automotive Industry Board, in conjunction with the various state training boards, which have representatives from Mr Joyce's organisation, Mr Targett's organisation, my own, other unions and the TAFE. In fact, at the seminar which was held in Hobart there were representatives from the major dealers, Motors and Tilford's, there were representatives from the
25 smaller sectors of industries, service stations, panel beating establishments, a wide range of people from the TAFE College in Launceston and the various industry and union representatives. So, there was a large input, not only in Tasmania but from the other states as well. In fact I might add, I think our input was greater than some of the other states actually. So, they'll be back here in the middle of December for the
30 validation process and we're hopeful that those standards will be up in the new year.

COMMISSIONER GOZZI: Very good. Thanks, Mr Baker.

Now, Mr Joyce, in respect of Exhibit J.2, do you want to address that?

35 MR JOYCE: Commissioner, if I could - it's really only in passing. That was just a document which the Retail Motor Industry have had discussions with the clerks at a national level. What we're seeking to do is address the clerical position. That document was discussed 'without prejudice' with all the parties on 12 October. We now have an agreement and the aim will ultimately be to incorporate what is J.2 and J.1 into a new document.

40 COMMISSIONER GOZZI: So, the process here would be similar, or identical, to what is proposed in J.1?

MR JOYCE: Yes, commissioner.

COMMISSIONER GOZZI: If you're broadbanding classifications and the relativities, are they set out anywhere?

5 MR JOYCE: Not in that particular document, commissioner, but if I could just perhaps draw your attention to J.1 on page 6. In principal today, we are looking at the relativities that appear along the right-hand side of that column.

COMMISSIONER GOZZI: Right. For the clerical classifications as well?

MR JOYCE: For the clerical classifications, yes.

COMMISSIONER GOZZI: So, the top clerical rate would be 115% -

10 MR JOYCE: At the moment, commissioner, the grade goes to grade 5 but that would be - to answer your question, no, it would not be 115. At the moment it is a grade.

COMMISSIONER GOZZI: It would be pretty close to it.

MR JOYCE: Yes. Remembering, commissioner, there will effectively be five levels and the clerical officer grade 5, the wage rate could end up at \$487.78.

COMMISSIONER GOZZI: Which is 115 isn't it?

15 MR JOYCE: That's right. So, what we are doing is trying to incorporate them - I got confused between all of the pay points. There might, for example, be eight pay points. There will perhaps be five pay points.

COMMISSIONER GOZZI: Right. And are you going to maintain the discreet classification structure by way of divisions, or how are you going to do that?

20 MR JOYCE: What we are seeking to do, commissioner, is 'in principle' amongst the parties, over time we have perhaps found those divisions now to be perhaps less relevant than they were previously and we are now seeing if it is possible perhaps to move away from that quite rigid divisional structure and just have it more flexible classifications.

25 COMMISSIONER GOZZI: Right. So, if you did that in respect of J.1 on page 6, if you use those relativities there, how would you integrate clerks into that structure?

30 MR JOYCE: What we do seek - how they moved with the relativity and what we'd seek to do actually within the definition it would actually say, a grade 1 clerk, they would have these skills and operations. So, if you will, commissioner, in a number of federal awards, for example, trade people and ... employees alongside but they just have different, if you will, descriptors of that will actually occur. So, it's the same relativity, just with different core descriptors.

COMMISSIONER GOZZI: Okay. Mr Targett, did you want to add anything to that?

35 MR TARGETT: The only point, there have been a number of awards in this jurisdiction which have been varied utilising a wage group heading and then underneath each heading the actual classification which may be, for example, and this is only an example as we haven't discussed this in detail, at wage group 6 we may have an automotive industry RS & R tradesperson and then under that we may have a grade 3 clerical officer, both the same relativity, both the same wage rate. Then, within
40 the definition structure, just have the two definitions.

COMMISSIONER GOZZI: Where does the TWU fit into this award?

MR BAKER: They don't

COMMISSIONER GOZZI: They don't.

MR BAKER: Actually that'll be part of the tidying up exercise in the new year when we do the conditions of employment.

5 COMMISSIONER GOZZI: So, you're going to say to me that by agreement the TWU can be deleted from the award. Is that what you're saying?

MR BAKER: Yes, sir, I can actually.

10 MR JOYCE: Commissioner, if I could, for example, I think one or two of the driver classifications do appear in this document. What we're seeking to do, commission, is certainly not seek to exclude any organisation because they've chosen not to be attendant at any of these hearings. What we're seeking to do is have all the classifications that currently appear in the Automotive Industries Award covered by the new draft and just because an organisation is perhaps unable to attend these meetings, if they do have any members that those members would not be prejudiced
15 by the non-attendance of their organisation.

COMMISSIONER GOZZI: Right. I note that we will be varying the existing award and of course in respect of parties and persons bound and so on, there is no documentation to indicate that that will alter.

MR BAKER: No, sir. I know Mr Joyce was very diplomatic in his response to you.

20 COMMISSIONER GOZZI: He certainly was.

MR BAKER: I have had some discussions with the TWU -

COMMISSIONER GOZZI: Well, it's just not the TWU. There are other unions in this parties and persons bound clause that are not -

MR BAKER: I think that'll be part of the exercise for next year, sir.

25 COMMISSIONER GOZZI: - here today, as I understand it.

MR BAKER: No. There's also the LHMBU et cetera.

COMMISSIONER GOZZI: Yes, Miscellaneous Workers Union.

30 MR BAKER: And we've also had some discussions with them too, concerning their ongoing presence in the award. Those matters will be addressed next year, sir, when we do a revision of the conditions side of the award, which we hope to do early next year.

COMMISSIONER GOZZI: So, the conditions will remain as they are for the time being?

MR BAKER: In the short term only.

35 COMMISSIONER GOZZI: Right

MR BAKER: As I think I've indicated to the bench on previous occasions, we have commenced a rewrite of the conditions, together with Mr Noonan and Mrs Dowd and Mr Edwards from the TCCI. I believe that we've made some progress and we will

probably have to go back and start it again now. I don't see that as a major exercise, given that I think there aren't too many contentious issues there to be resolved.

COMMISSIONER GOZZI: No.

5 MR BAKER: And hopefully, as I've indicated to you previously, if we run into some trouble with it, it would certainly be our intention to bring the matter back before you to have a conference under your chairmanship to fix any outstanding matters there may be between us.

10 COMMISSIONER GOZZI: So, at this stage, Mr Baker, you'd see that the divisions in respect to wage rates would be consolidated, as would be the classification structure and the divisions for conditions would remain until that could be rationalised sometime further down the track?

MR BAKER: Early next year.

COMMISSIONER GOZZI: All right.

MR BAKER: That's if you're not taking leave, sir.

15 COMMISSIONER GOZZI: We could have a small wager on the outcome of that time line.

Mrs Dowd, anything that you want to add to that, in respect of clerical.

MRS DOWD: I don't think there is, Mr Commissioner.

COMMISSIONER GOZZI: Mr Long?

20 MR LONG: Just, sir, that on behalf of our organisation I support the submissions which have been put to you this morning in regard to an 'in principle' agreement in relation to J.1. I also support Mr Joyce's submission that the 50% MRA be granted as of the first full pay period on or after today's date.

COMMISSIONER GOZZI: All right. Mr Noonan, anything you want to add?

25 MR NOONAN: No, Mr Commissioner. I haven't had a great deal of time to examine Exhibit J.1, however the spirit of the document is to reflect what currently applies in the federal jurisdiction and as far as wage rates are concerned, we have no objection at all to that.

COMMISSIONER GOZZI: Mr Joyce, anything further?

30 MR JOYCE: No, commissioner. All I would seek from you, commissioner, is your indulgence regarding the matter. Would it be necessary to actually call on a formal hearing, or would you be happy for the parties to just submit the completed document to you?

35 COMMISSIONER GOZZI: Yes. I think we would probably want a hearing for it, Mr Joyce. Mr Targett, anything further?

MR TARGETT: No, commissioner.

COMMISSIONER GOZZI: Right. Thank you.

I think, Mr Joyce, you ought to be commended for getting this documentation out and it seems it is heading down the path of consent, which is good. I am going to reserve

my position in respect of operative dates. I would like to see the parties come along with amounts in the wages columns and I would like to see the parties come along by consent and if you want to reiterate at that point in time, what appears to be agreement to an operative date in the context of the established rates in the award, then obviously as far as I am concerned, in light of what has been said this morning, I would have no difficulty in endorsing that process.

I just want to add a word of caution thought, that I have been down the track about prospective, or in this case retrospective, operative dates on a number of occasions and with all the good will in the world, arrangements have fallen out of bed and all of a sudden you've got the flag down on an operative date and no delivery in the context of what's required to put the structure in place and, Mr Long, you and I have been there and done that and it caused a lot of problems and it has also caused problems in other areas as well, not represented by parties here this morning. So, I would just say that if you can come along in a reasonable time frame and that there is agreement between you in respect of the operative date when I see the wage rates, then you won't find that there'll be difficulty with me but at this stage I'm not prepared to endorse it.

We'll go off the record and set an operative date.

OFF THE RECORD

COMMISSIONER GOZZI: So, these proceedings are now adjourned until 21 December at 10.30 and if you have a consent document before that time, please feel free to forward it to me so I can have a look at it. Thank you.

HEARING ADJOURNED