

**TASMANIAN INDUSTRIAL COMMISSION**  
Industrial Relations Act 1984

T No. 5316 of 1994

**IN THE MATTER OF** an application by The  
Australasian Meat Industry Employees  
Union, Tasmanian Branch for the making of  
the Meat Industry Award

COMMISSIONER WATLING

HOBART, 18 February 1997  
continued from 7/11/96

**TRANSCRIPT OF PROCEEDINGS**

Unedited

COMMISSIONER WATLING: I'll take appearances, please.

**MR J.E. SWALLOW:** SWALLOW, J.E., AMIEU.

COMMISSIONER WATLING: Thank you.

5 **MR G. COOPER:** If the commission pleases, I appear on behalf of the Australian Workers' Union, Tasmania Branch, COOPER, G.

COMMISSIONER WATLING: Thank you.

**MR T.J. EDWARDS:** If it please the commission, EDWARDS, T.J., for the Tasmanian Chamber of Commerce and Industry and the National Meat Association, Tasmanian Division. Appearing with me is **MR A. CAMERON**.

10 COMMISSIONER WATLING: Good. Thank you.

Right. Now I understand, Mr Swallow, from off-the-record discussions, that you're seeking to amend the application because the original application, the one that's just been called, has had a name change since the time I've made the award and it was the Meat Industry Award and now it's the Meat Processing Industry Award, and I  
15 I understand that your application seeks to finalise now the making of the Meat Processing Industry Award along with the document you've presented - along the lines of the document you've presented during off-the-record discussions, which I now mark AMIEU.1. Is that your understanding?

MR SWALLOW: Yes, sir.

20 COMMISSIONER WATLING: Right. Now does everyone approve of that submission?

MR COOPER: Commissioner, if I may, with respect to that, we endorse that outline that's been - that detail that's been outlined by yourself -

COMMISSIONER WATLING: Right.

25 MR COOPER: - in terms of AMIEU.1 and I understand that there is a number of other matters that are linked to this and in terms of an operative date of that document, we would see - our submission would be that that would be left with the commission pending the finalisation of draft orders in other matters that do impact on this and that would be our submission, that the operative date be subject to the completion of other matters that are associated with this.

30 COMMISSIONER WATLING: Right.

MR COOPER: I understand that that will require provision of draft orders in other matters but I think it's an important issue that needs to be addressed.

I understand in terms of the rest of the process, there needs to be -

35 COMMISSIONER WATLING: Do you approve the amendment to the application, Mr Cooper?

MR COOPER: Yes, I do, commissioner.

COMMISSIONER WATLING: Good. Thank you.

Right. Now who's going to lead off in this matter? Mr Edwards?



MR EDWARDS: Yes, if it please the commission - it looks like I've drawn the short straw. You've identified a document handed to you as a result of off-the-record discussions this morning as AMIEU.1, which represents a document which is agreed by all parties to this award, as representing the entirety of the new Meat Processing Industry Award.

As the commission is well aware, this document comes before you after quite considerable negotiations between the parties spanning some four years or so and after a couple of hiccups and false starts, I think I'm fairly confident in saying that we're virtually there. There will be a couple of very minor issues that require to be addressed in terms of the draft order for this award and we would undertake to have that to the commission at the earliest available opportunity. We've canvassed those matters with the commission and they involve a minor variation to page 12 of the document, in terms of the percentage relativities applying to apprentices' rates of pay and also to the verbiage contained on page 31 relating to notification to the employer of sick leave absences.

There are two loose components of the document, if I could use that terminology, which relate to the incorporation of a no loss of wages clause, or no reduction in wages clause, and also the incorporation of a parental leave clause in the standard format of the Tasmanian Industrial Commission, which arises from a previous test case decision. Unfortunately, the computer equipment in our Hobart office broke down this afternoon so we couldn't incorporate them but we will have done so when we give the final document to you before the end of this week, sir.

COMMISSIONER WATLING: Good.

MR EDWARDS: The only other issue that I think requires comment of a preliminary sort relates to the incorporation of carer's leave, which is dealt with in a very short-hand way within the document. It's at page 24, sir, and it's clause 17 currently, where it won't be eventually. What we've simply indicated there is, that a provision to be provided based on the model clause derived from matters T.6296 and 6441, being the test case decision which resolved a model clause on personal and carer's leave, and the parties have discussed that during their conferences this morning and that will be incorporated into the final document, and I apologise for doing it in that short-hand way but to ensure that we were able to proceed today, we were left with no real alternative.

COMMISSIONER WATLING: Can I just alert you to the front page of AMIEU.1.

MR EDWARDS: Yes, sir.

COMMISSIONER WATLING: There may be a need to take that, 'Provided further' out, subject to things happening later on.

MR EDWARDS: Yes, and that would be consistent with the sorts of submissions Mr Cooper was moving to just a little earlier and that is, the other issues that will be called before you this afternoon which, as I understand it, will be an application to vary the Meat Trades Award and applications to rescind, firstly, the Abattoirs Award and, secondly, the Poultry and Game Products Processing Award -

COMMISSIONER WATLING: Yes.

MR EDWARDS: - and, yes, once those matters are attended to, then certainly that proviso could and will be removed. Thank you, commissioner.

Commissioner, the application before you comes under probably two separate headings of the wage fixing principles of this commission which are contained in the



full bench decision of 24 July 1996 in matter T.6284 and a number of other T numbers, which I won't take the commission to at this time. Those principles, in my submission, would be principle 2 - Structural Efficiency and principle 13 - First Awards and Extension of Existing Awards.

5 I don't intend to take the commission in any great detail to either of those two principles. What I do make is a broad submission that the document before you, as you would be familiar by now, is very much an extension of the structural efficiency principle and it is, in respect of this award, the culmination of the structural efficiency exercise which has taken some considerable time to come to finality.

10 The document, sir, incorporates a new classification structure which has been discussed with the commission in conference on a number of occasions, but to put it on the record, the parties have agreed to an eight level classification structure, which is outlined on pages 10 and 11 of the document in terms of the base rate relativities, the safety net adjustment and the total weekly wage rate. The parties  
15 have agreed, given the significant delay in the processing of this matter, that there would not be a minimum rates adjustment process in respect of this award. Rather, we have moved immediately to the final relativity setting for each of the classifications.

The classifications that were previously contained in either the Abattoirs Award, the  
20 Meat Trades Award or the Poultry and Game Products Processing Award, are identified in Appendix A to the document, which is the translation from the old classification structure to the new broad banded structure, where we show the old classification by name and identify by number the new level which that classification slots into. We've been right through those in considerable detail again this morning  
25 and that is agreed between the parties.

I might also make the broad submission, sir, if I might, that they are also broadly similar, if not identical, in terms of similar classifications to other awards of this commission. We've used certainly some of those as benchmarks in our discussions.

30 Clause 7 - Definitions of the award which commences on page 3 contains detailed classification descriptions for each of the levels, which are fairly much in accordance with the standard ones used in this commission in a number of other award areas, although I wouldn't make the submission that they're identical. Each award has its own idiosyncrasies and this one's no different.

35 We have an entry level classification which doesn't contain a number - it's just called 'Entry Level' and then we move to Level 1. That's a three month training classification - the adult entry point, and is identified as 80 per cent and people then move through the classification structure. I don't intend to take you, sir, unless you require me to, to each of the definitions. I think you're relatively familiar with them.

COMMISSIONER WATLING: I am and I don't require you to take me through them.

40 MR EDWARDS: Thank you, sir, and I would make the same submission in respect to, in effect, the balance of the award and that is a matter with which the commission is now fairly familiar and we wouldn't wish to go through it in considerable detail.

45 What I do say is - and perhaps I should identify, that we have made a significant amendment to clause 6 - Award Interest and Parties Bound, previously known as Parties and Persons Bound and have adopted a form of words, which I understand the commission prefers, which are derived from public sector awards of this commission, and we identify, firstly, the two employee organisations who have been granted award interest pursuant to section 63-(10) of the act, being the AMIEU and



AWU, and I hope we've got the names of those unions right. I invariably manage to get them wrong.

5 We've then identified that pursuant to section 63-(10) the National Meat Association of Australia, Tasmanian Division, has been granted award interest. We then identify at subsection (c) that the TCCI and the Tasmanian Trades and Labor Council are organisations who are deemed to have an interest in the award, pursuant to section 62-(2) of the Industrial Relations Act, and we then identify that the award is binding upon all employers covered by the award and all employees covered by the award and hopefully that form of words will meet the agreement of the commission.

10 Commissioner, we would make the submission that the public interest is not offended by this application. It is our view that the culmination of the structural efficiency principle is very much in the public interest and, as a consequence, we don't suggest that section 36 in any way comes into play except in a positive sense.

15 In respect to the question of operative date, which Mr Cooper alluded to earlier, I would make similar submissions and that is that the four matters before the commission this afternoon all need, in our view, to have a simultaneous date of effect and we would ask the commission to set a date of operation for all four matters which is the same. I can't make a submission as to what that date ought to be. If all went according to plan and all were finalised with effect this afternoon, then  
20 today's date would be sufficient. If that's not the case, then some later date, a day or two away, would be satisfactory from our point of view.

So with that broad statement on operative date, I'd pause at that point unless the commission had any specific questions it required answers to.

25 COMMISSIONER WATLING: No. I just inform you that the commission wouldn't be able to get out any orders on this matter for at least a week, I would think, if not longer.

MR EDWARDS: If I might, commissioner, just on that point, that's probably not an overly onerous position from the employer's perspective. There are very few employers covered by the terms of the award that will be actually amended and I say  
30 that because the Meat Trades Award that will come before you shortly won't be amended in a significant sense, so far as those currently covered by its terms. The amendments in terms of actual wages and conditions are to the processing aspect of the industry and as a consequence that part of the industry has been kept well informed of these negotiations and the outcomes leading up today and including  
35 today.

COMMISSIONER WATLING: Right. Good. I haven't really any further questions on it, except I notice on the top of page 19 you might pick up Annual Leave exclusion of public holidays.

MR EDWARDS: We thought we got all those.

40 COMMISSIONER WATLING: It's just that some times these things catch your eye - I was flipping through the pages.

MR EDWARDS: I think you will note that virtually, or hopefully everywhere else, we've said that holidays were paid. That's one obviously that has just snuck through the typist. If it please the commission.

45 COMMISSIONER WATLING: Thank you, very much. Mr Swallow, have you any further submissions to make on this matter?



MR SWALLOW: No, sir.

COMMISSIONER WATLING: Mr Cooper?

MR COOPER: Mr Commissioner, with respect to the application, the submissions of the TCCI were fairly complete and we don't intend to labour those any further, suffice to say, we do confirm that the document which is now titled 'AMIEU.1' has been a document that has been discussed extensively between the parties including the AWU and with respect to that, we endorse that document as the document that will form the new Meat Processing Industry Award.

We agree with the comments and observations of the commission, that the amendments are required to the scope clause, subject to further proceedings that are scheduled at the conclusion of these proceedings. We also confirm that the date of operation at clause 4 needs to be completed and I did allude to that earlier. I was being a bit pre-emptive there. In terms of that, we concur with the submissions of Mr Edwards with respect to operative date and, by necessity, obviously we do have to have an operative date for all matters that is the same.

The other issue that we would advise on, is that the wage rates as outlined - or as contained in clause 8 are inclusive of the minimum rates adjustments, the structural efficiency - that is the wage movements that were available under the structural efficiency principle. They do include the 2.5 and they do include the complete minimum rates, so they are up to date in terms of that process that this award -

COMMISSIONER WATLING: And all the safety net adjustments.

MR COOPER: As well as the safety net adjustments, which are identified - consistent with the format that's required in a separate column. So that does conclude that process and I think it is important that the commission notes that, in terms of this document.

We have no further submissions to make, other than to say that the AWU has been involved in the development of this process. Notwithstanding, it has taken four years. Our involvement has been in the last 12 to 18 months, when it was decided to make a complete award which incorporated the Poultry and Game Products Processing Award. In that respect, our involvement has been complete and we have assisted the meat workers in terms of developing the draft and we consulted at all stages through that process by them. The process hasn't been completely painless but it has resulted in an award that has appropriately covered the industry that it's attempted to cover, and it contains clauses that are consistent with the new wage fixing principles that the union's committed to under the wage fixing principles developed by this commission in July this year, and that's identified clearly in clause 6 that's been alluded to by Mr Edwards.

So I commit the document to the commission and seek endorsement of it in the manner outlined by Mr Edwards. If the commission pleases.

COMMISSIONER WATLING: Thank you. Mr Swallow, have you anything to add?

MR SWALLOW: No, sir.

COMMISSIONER WATLING: Right. You endorse that this is agreement between the parties?

MR SWALLOW: Yes, sir.

COMMISSIONER WATLING: Right. Anything further, Mr Edwards?

MR EDWARDS: No.

5 MR SWALLOW: I'd like to place on record, sir, that the union reserves the right to pursue an amendment to the apprentice percentages in line with recent changes in the federal jurisdiction.

COMMISSIONER WATLING: Right. Good. I note that. Thank you. No further submissions?

10 Well I can indicate to the parties that I'm prepared to endorse the document presented, AMIEU, with the errors and omissions and the alterations made during off-record discussions and on-record discussions and I indicate to the parties that I require them to draft the orders for my consideration as soon as practicably possible. I'll hand down a written decision in due course, which will be in favour of the award being made in the form as outlined, and the decision will contain an operative date which I've yet to decide. This now concludes this matter. Thank you.

15 **HEARING CONCLUDED**