

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 3885 of 1992
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IN THE MATTER OF applications by
the Metals and Engineering Workers
Union for interpretation of the
Metal and Engineering Industry
Award and the Wholesale Trades
Award

re the classification of an
employee

PRESIDENT

LAUNCESTON, 6 August 1992

TRANSCRIPT OF PROCEEDINGS

Unedited

PRESIDENT: Could I have appearances please?

MR D.E. PRICE: If the commission pleases, PRICE, D.E. I appear on behalf of the Metal and Engineering Workers Union, together with **GEOFF SHORT**.

PRESIDENT: Thank you, Mr Price.

MR J. LONG: If the commission pleases, JEFF LONG for FIMEE. I seek leave to intervene.

PRESIDENT: Yes, thank you, Mr Long. Any objections to that application.

MR PRICE: No.

PRESIDENT: No? That's granted, Mr Long.

MR P.E. TARGETT: Mr President, TARGETT, P.E. I appear on behalf of the Tasmanian Confederation of Industries.

PRESIDENT: Thank you, Mr Targett.

MR G. WILLIAMS: WILLIAMS, GRAEME, appearing on behalf of the secretary.

PRESIDENT: Thank you, Mr Williams. Well, who is to lead off?

MR TARGETT: Mr President, if I may, there have been some discussions prior to the commencement of this hearing and I believe that the parties agreed that it would be appropriate for the matter to be adjourned into conference and hopefully the matter could be settled via a conference with the assistance of the president without the necessity for full arbitration on the interpretation of these proceedings, and I'd request the commission to proceed that way.

PRESIDENT: Yes. Thank you. Mr Price?

MR PRICE: Yes. No objections, sir.

PRESIDENT: No objections to that?

MR LONG: Yes, I have no objections, sir.

PRESIDENT: Very well. Who should be party to the conference proceedings?

MR TARGETT: I think, because of the nature of the difficulties that have arisen which brought this application forward, that certainly the unions involved would be party. But in addition to that, Mr Fruin, who represents the company which is the subject of this particular interpretation, would

be able to provide great assistance to the commission in the private conference as far as facts and information are concerned. So I'd certainly be seeking that he be party to that conference.

PRESIDENT: Yes. Any objection to that proposition?

MR PRICE: No.

PRESIDENT: No. I think it might be helpful given my little understanding of the matter. Mr Williams, your position - you - ?

MR WILLIAMS: I'd wish to be involved.

PRESIDENT: You'd like to be involved.

MR WILLIAMS: Yes.

PRESIDENT: No, problem with that, gentlemen?

MR PRICE: No.

PRESIDENT: No. All right. Well we'll resolve into conference and I'm quite happy to take the parties through the process to see if we can find a resolution to this dispute and I hope that there will be no objection or no retraction from a position of accepting whatever recommendation I might make in terms of resolution.

MR PRICE: No, certainly none from the MEWU.

PRESIDENT: No.

MR TARGETT: Certainly none from my perspective, Mr President.

PRESIDENT: No. All right. Well we'll resolve into conference. I might come down to the table, I think it would be easier.

INTO CONFERENCE

PRESIDENT: Yes. Well thank you very much for the rather intense period of conferencing and for the provision of information - detailed information from the department. It seems very clear that in respect of the individual's employment today, Mr Short, that the Automotive Industries Award should apply and that the two awards that were before me for interpretation are not the appropriate awards.

The classifications which I believe should apply in this

matter are the commercial traveller probationary and the motor mechanic, averaged 50-50, and whilst that can't be in the form of a formal interpretation, it is clear - on the advice from the department and from examination of the scope - that that award should apply to Tas Hydraulics.

Given that the two applications before me have no application to Tas Hydraulics, those applications will be closed and determined by this decision which will be issued in writing in due course. Thank you very much.

HEARING CONCLUDED