



Tasmanian Industrial Commission

Industrial Relations Act 1984

T No. 10095 of 2002

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

Re: inserting in Clause 30 – Special Rates a new paragraph: First Aid Allowance, and inserting in Clause 8 – Wage Rates, a new subclause 6

T No. 10130 of 2002

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

Re: amend subclause 5 of Clause 8 – Wage Rates

COMMISSIONER IMLACH

HOBART, 22 May 2002

TRANSCRIPT OF PROCEEDINGS

UNEDITED

**(WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY)
(ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS)**

HEARING RECOMMENCED 10.30am

COMMISSIONER: I'll take appearances.

MR P. BAKER: Sir, I appear on behalf of the applicant organisation, P. BAKER.

5 COMMISSIONER: Thanks, Mr Baker.

MS J. THOMAS: A change in appearance today, commissioner, JENNY THOMAS appearing for the Tasmanian Chamber of Commerce and Industry, in lieu of PAUL MAZENGARB.

COMMISSIONER: Thanks, Ms Thomas. Yes, Mr Baker?

10 MR BAKER: Commissioner, there have been some discussions between the parties since we were last before you and I am pleased to say that these matters will proceed today by agreement. If I deal with them in the order as presented by your associate. I'd hand to the commission a draft order in relation to the inclusion of a first aid allowance.

15 COMMISSIONER: Do we have any exhibits prior to this, Mr Baker?

MR BAKER: I'm unaware. There may have been some documentation handed up but I'm unaware that there in fact was actually an exhibit presented to the commission.

COMMISSIONER: All right. We'll mark this **AMWU.1**.

20 MR BAKER: What the provision allows for, commissioner, is for the payment of a weekly sum of money, namely \$10.12 for an employee who holds an appropriate first aid qualification and, secondly, is required by the employer to be recognised in the workplace as a person who is capable of rendering first aid to other employees.

25 The provision itself mirrors the provision that is found in the federal award, that is the Metal, Engineering and Related Industries Award and the clause indicates that it would be found at subclause (e) and we would then renumber the existing paragraphs (e) to (r) inclusive to (f) to (s) respectively.

30 In respect of the second matter, that is the issue of employees who hold qualifications without experience. I would submit to the commission a draft order reflecting our intention.

COMMISSIONER: **AMWU.1**, again.

35 MR BAKER: Sir, I won't dwell on the order. The order is straightforward. My comments in relation to the reasons necessary for its inclusion were encompassed into transcript when this matter was previously before the commission on 5 April. It does, as it indicates there, commissioner, provide for

a relevant rate of pay for somebody who holds qualifications and does not hold work experience and/or there is a sliding scale for people who hold qualifications that may have a limited work experience.

40 This, sir, we would suggest to you is an appropriate way for people to enter the workplace with an appropriate rate of pay.

If I may now, sir, move to the other matter which deals with a variation to the apprenticeship structure within the award and I have a draft order reflecting, again, the intention of the parties.

45 COMMISSIONER: **AMWU.2.** We're still dealing with matter T10130, is it?

MR BAKER: This is T10130, yes. This one, sir, hasn't been before the commission previously and if I take you through the clause, sir. This actually deals with two issues. One is, to clearly identify those occupational trade qualifications which are encompassed in the national training package which
50 give effect to both the training outcomes and the qualifications outcomes as contained with the both training packages and also the award.

The second thing that it does, it actually provides for a new classification of higher engineering tradesperson which is currently available from the Tasmanian TAFE and is currently being delivered in the state. The issue is that
55 we simply need to tidy up the state award so that it gives recognition to it consistent with the provision that's in the national award.

Sir, it does, as I indicated, two things. It identifies those apprenticeship areas which are available for employees to undertake. It defines the qualification. It spells out as far as the period of apprenticeship is concerned. It is identified as
60 a period of four years or it then goes on to talk about, where competencies may be achieved that would advance the employee through that four year period at a faster rate of completion.

Then it also explains as to the appropriate rate of pay for somebody undertaking the higher engineering classification. Perhaps, sir, I should add I
65 suppose briefly in relation to what is encompassed by the higher engineering classification. It's actually at the Certificate IV level, or the old post trade level and, sir, it actually encompasses approximately 1,320 hours of training as opposed to the nominal 960 for the normal trade.

There's a far more in-depth level of knowledge than is required by the apprentice. When they complete their apprenticeship, the certificate is marked
70 Certificate IV and not Certificate III as, for example, somebody undertaking a mechanical engineering trade outcome. It's also, of course, sir, in recognition for the advances that have been made in technology in industry in recent years. As I indicated previously to you, sir, it does actually provide for an outcome as
75 far as wages are concerned.

I should say, sir, we would ask that the award be varied to reflect those changes and we would do so, sir, on the basis that it is in the public interest that these applications proceed and be varied by the commission. On the one hand, they give recognition to trade training and changes in trade training. It provides new
80 entry level requirements and obligations on parties as far as qualifications are concerned and it provides to employers and employees a recognition as far as first aid prescription is concerned within the workplace.

Secondly, sir, consistent with the commission's Wage Fixing Principles, we would say that it does not offend those principles and on that basis, sir, that it is
85 consistent with the Wage Fixing Principles and consistent with the provisions of the Act, we would ask you to give effect to the applications and vary the award accordingly.

COMMISSIONER: What about the operative date?

MR BAKER: The operative date, commissioner, would be – I understand
90 there's actually another matter before the commission next week. Perhaps we may defer it until the first pay period on or after 1 June.

COMMISSIONER: Yes. In relation to the operative date, there are a number of matters to be finalised and included in that is the review of the award. So we might discuss that, confirm what you've said, Mr Baker, at the next hearing. Is
95 that all right?

MR BAKER: That's fine, sir.

COMMISSIONER: Good. Ms Thomas?

MS THOMAS: Yes, thank you, commissioner. Since the last hearing of this matter on 5 April the TCCI has had an opportunity to canvas it members in
100 respect to the matters before the commission today. No objections or concerns were raised by our members, therefore we appear today in consent with the applications and the draft orders that have been submitted today.

Mr Baker's submission was detailed in respect to the public interest and Wage Fixing Principles, so I don't think I need to add any further to those. If it
105 pleases the commission, these are consent matters and I note confirmation of the operative date will occur at the hearing of that other matter.

COMMISSIONER: Yes, thanks, Ms Thomas. There's one other matter which I understand the parties are aware of, matter T10163 of 2002 relating to those words that were raised in another hearing – Mr Baker adding in the definitions
110 or equivalent. I propose to bring that on at the next hearing. Is that all right with you?

MR BAKER: Yes, sir, and I am hopeful that we may in fact reach an agreement prior to the hearing. I have spoken to Mr Flood of the TCCI and we

115 have exchanged correspondence but if not, unfortunately, the matter will need to be arbitrated.

COMMISSIONER: Yes, right. Well, in which case we might adjourn it on that day but we'll see how we go.

120 MR BAKER: The arguments themselves, sir, are fairly simplistic. The solution of course can often be quite complex but I think in this case our submissions would not be all that lengthy and I would see that we ought to be able to give some resolution of the matter when the matter is next before you.

COMMISSIONER: Yes, well, I would hope so too, Mr Baker. We will see how we go on the day. I certainly would like to wrap all these up and issue the reviewed award before a certain date occurs and that'll be my aim.

125 MR BAKER: Likewise, sir. I think this will complete the package.

COMMISSIONER: Good. We'll all sigh a great heave of relief. Nothing else?

MS THOMAS: No.

130 COMMISSIONER: I indicate now that these two matters will be endorsed but they will be included in, as I said earlier, the review of the award when that comes about, hopefully, in the very near future.

Thank you.

HEARING CONCLUDED 10.45am