

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T No. 6173 of 1996

IN THE MATTER OF an application by the
Tasmanian Trades and Labor Council to
make the Group Training Schemes Award

COMMISSIONER WATLING

HOBART, 10 June 1997
continued from 31/5/96

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER WATLING: I'll take appearances please.

5 **MR K. BECKER:** Thank you, sir. BECKER, K. I don't think, sir, I put in an appearance on behalf of the CEPU in the original proceedings, but I wish to do that today, sir, and I've also been authorised to appear on behalf of the TTLC in these proceedings.

COMMISSIONER WATLING: Good. The applicant. Right.

MR T.J. EDWARDS: If it please the commission, EDWARDS, T.J., for the TCCI.

COMMISSIONER WATLING: Good. Now, does the representation here today show the vigour with which this application is being pursued?

10 **MR BECKER:** Sir, maybe I'll get to my feet for that. There is no doubt there's been some tardiness in the pursuance of this award, or the completion of the award which you made in title and scope some - I think, 12 months ago.

15 Without going too far into all the excuses, sir, the previous TTLC employee, Mr Richard Warwick, was pursuing this on behalf of the affiliates and non-affiliates at the time and progressed it to a point and then, unfortunately his position - he sought another position within the trade union movement and as I understand it, there's been precious little, at least from the TTLC's point of view in an effort to push this thing along but that's not to say that individual unions haven't had the desire and some push to make this award.

20 I think there are still problems in relation to the union's side of the situation in terms of - as far as the metals and electrical type normal apprentices, as we call them - we are obviously dead set keen to continue to complete the task. As I understand it, as late as this morning, talking to Ms Fitzgerald, they are going to reconvene a meeting this week to see where the other unions are at in relation to continuing to pursue this application.

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COMMISSIONER WATLING: Mr Edwards.

30 **MR EDWARDS:** Yes, commissioner. I suppose I can only really agree with many of the things said by Mr Becker. As I understood it, this matter was left last time we were before the commission, on the basis that you, sir, issued your order creating a title and the scope but individual organisations were to make application to become parties and persons bound. I'm not particularly aware of the extent to which that has been pursued, but also at that stage I understood Mr Warwick also to have indicated that the unions would prepare some sort of documentation for consideration by the TCCI in order to pursue the making of the detailed part of the award.

35 I think it's fair to say that I haven't received that documentation and I think many of the reasons are those that have been advanced by Mr Becker and that is, I think that since Mr Warwick left the employ of the TTLC this matter has perhaps been languishing on back shelf somewhere and I think the relisting of it by the commission this morning is probably fortuitous because it does bring it back to the forefront of people's minds so that we might now pursue it with a bit more zest and vigour.

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45 As I also understand the situation, individual unions have been seeking discussions from time to time with my organisation and with the group training schemes themselves with a view to trying to deal with some of the problems that gave rise to the pursuit of this award in any event and fairly recently I had discussions with Mr Becker in particular in that context.

COMMISSIONER WATLING: Is it true that some have got a registered agreement with the commission and therefore the award wouldn't apply anyway?

5 MR EDWARDS: There are some registered agreements but I don't think they go to the people that will be covered by this award. I think they are predominantly CST type specific schemes where they apply only to employees picked up for a particular project or within a particular company structure. I'm speaking off the cuff when I say that, commissioner.

COMMISSIONER WATLING: Yes. I understand that. I'm not too sure myself.

10 MR EDWARDS: But I think, in a broad-based way - I think Mr Warwick in particular put a fair bit of detail before the commission last time, that shows some 17 to 20 per cent of the all premises and trainees in this state are employed by group training scheme companies and as a consequence they are a big employer of junior labour, if I can use the broad term, and therefore to have some basic minimum wages and conditions in place through an award, I would have thought would be a worthwhile
15 pursuit and from that point of view my organisation still wishes to pursue the making of this award.

I have had some dialogue with my members in this area of recent weeks, who have also expressed their wish to see the award made in full and I'm glad in that regard that Mr Becker has now indicated that the TTLC intend to reconvene meetings of at least
20 affiliates and, question mark, non-affiliates, to see what the resolve is of the union movement to continue to pursue this award.

If the unions take the decision that they don't have the resolve to pursue the award, it is possible that my organisation may invigorate the discussion by circulating a draft award ourselves.

25 COMMISSIONER WATLING: Or making an application?

MR EDWARDS: Initiating further making of this award from where it is, by making an application indeed, commissioner, and in that regard we would circulate a document first. This commission requires conferences to have been held but with an idea of pursuing that if necessary if the resolve isn't on the other side to proceed. But I
30 take Mr Becker at face value on what he said this morning, and that is that that resolve does appear to still be there, at least among some unions, and I'm minded of what occurred last time about interventions before the commission of some non-affiliated unions, or at least one, and I think others have put their hand up since and indicated that they too possibly have an interest in the making of the detail of this
35 award.

I would hope therefore that any meeting that the TTLC might have might be broadened to pick up interested unions that may or may not be affiliated with the TTLC. We've seen of recent days what can happen if discussions processed on the basis of some unions being excluded from the considerations going to these sorts of issues and I for
40 one am not keen to see a re-run of those sorts of matters.

On that basis, sir, I just reconfirm the TCCI's view, that we are committed to the making of this award. We may well need to invigorate those discussions ourselves if indeed there is the same commitment from the other side. Perhaps I could just leave it at that point, sir.

45 COMMISSIONER WATLING: Well, Mr Becker, in relation to your representation here today, obviously you don't have any rights in terms of a union to be represented here today unless you seek leave to intervene because you haven't got an interest in the

award. Right? In fact, no union has an interest in the award. The only organisation is the Trades and Labor Council.

MR BECKER: Yes.

5 COMMISSIONER WATLING: So, I suppose any discussions that should take place between the Labor Council and the TCCI, being the only organisations that have an interest in the award via the act.

MR BECKER: Yes.

10 COMMISSIONER WATLING: Now, I think there is a need to make up one's mind as to whether or not you're going to pursue it, so I would strongly recommend that they formulate a view - the Labor Council formulate a view very quickly. If Mr Edwards wishes to pursue it and the unions don't, then it would necessitate an application to deal with a series of subject matters that Mr Edwards would have to put in because the application's by the TTLC and the TTLC might decide not to pursue it and therefore I wouldn't have any application.

15 But I'd also say that if they're deciding now not to pursue it, then they should let me know because they should then make application to rescind the award, but that might meet some opposition from Mr Edwards, but I don't think it should sit around, in view of the fact that there are hundreds of people potentially covered by this award if it's made in its entirety, plus also people have got union interest in it, otherwise they won't
20 have any say in it.

MR BECKER: Yes. I don't necessarily - what we need to do is - and that's the intention of the Labor Council, is to -

COMMISSIONER WATLING: Have you got any indication when you think this might be brought back on?

25 MR BECKER: We're meeting this Friday.

COMMISSIONER WATLING: Next Friday?

MR BECKER: Yes. This Friday coming, as I understand it.

COMMISSIONER WATLING: Right. We might just go off the record and have a look at a resumption date.

30 **OFF THE RECORD**

COMMISSIONER WATLING: Let the record show, we've had some off-the-record discussions about the pursuit of this application and seeing it through to finalisation and I'm going to adjourn the matter now and the application will be relisted for the 3rd July - Thursday, 3rd July. The matter now stands adjourned.

35 **HEARING ADJOURNED**