

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T Nos 5574 and 5576 of 1995

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

re restructuring of award and insertion of
second minimum rates adjustment
respectively

PRESIDENT

HOBART, 27 October 1995
continued from 12/7/95

Unedited

PRESIDENT: Could I have appearances please. Or are there any changes in appearances to the previous hearings?

MR MARK WATSON: I think there is, Mr President. MARK WATSON, I appear on behalf of the Tasmanian Chamber of Commerce and Industry in lieu of MR EDWARDS.

5 PRESIDENT: Right. Thank you, Mr Watson.

MR TONY BENSON: MR TONY BENSON, Mr President, representing the Construction, Forestry and Mining Industry Union.

10 PRESIDENT: Very good. Thank you. Well, who would like to tell me about these two applications? I've called them on because, as you are aware, the matters were in the hands of Commissioner Gozzi. Now that he is no longer with us, somebody needs to pick it up and I want to find out what's been going on and what we can do about it. Mr Baker?

MR BAKER: Well, likewise last time, there was a period where it needed somebody to pick them up. I think that fell to myself to do that.

15 Sir, these applications actually go back to 1991. Applications T.3292, T.3330, T.3354 and T.3601 of 1991 and they were applications by the respondent union organisations to restructure the award, principally as far as the conditions side of the award was concerned and there were a series of discussions which took place which resulted in a new award being made in Order 3 of 1992 and it was sort of left at that stage that
20 there would be further discussions concerning the ongoing structure of the award and that was to be done twofold. One would be, ultimately, an integration of both Divisions A and B of the award into one and that there would be a creation of a single salary spine.

25 For three years, unfortunately, sir, nothing much sort of happened, until we resurrected the award and said it's time we did some more work on this and got it wrapped up once and for all. I might say, that I wasn't party to the discussions back in 1990-91, which saw a rewriting of the conditions in both sectors of the award. That is for Division A and Division B.

PRESIDENT: Division A and B?

30 MR BAKER: Yes. I'm sorry, sir.

PRESIDENT: Division A is the -

MR BAKER: Division A relates to tradespeople and non-tradespeople and Division B relates to clerical employees.

35 PRESIDENT: Right. In 1990 it was three divisions, if my research is right, but let's not fight about that. We are really talking about two areas now, the trade and related areas and the clerical?

MR BAKER: Yes. And they'll be rolled into one and that is the ultimate aim.

40 When it was rewritten back in 1991 in these two divisions, a reading of the award was shown that in fact in some areas a number of the clauses were in fact duplicated, for reasons which I'm unable to ascertain from the advocates concerned at the time. But certainly, there are a number of clauses which were duplicated and a number of other clauses which were simply changed, or differences appear, for the sake of having a difference between the clauses. One which comes to mind is the disputes settling

procedure clause. There is a different clause in part A as opposed to part B and yet reading it, it is the same clause.

5 However, that was that situation and, as I said, it sort of sat there for some time with nothing really happening. What has now happened, there has been ongoing discussions between the parties and we are really in a position to put to you three issues today. One is, that we restructure Division A of the award as it relates to tradespeople and non-tradespeople. Part two of the exercise will be a restructuring of the clerical structure, which will see the clerical rates come into a single structure and part three will be the integration of the award generally. So, there will be one award
10 with the conditions applying generally to all employees.

PRESIDENT: General conditions for all -

MR BAKER: Yes. And the award will reflect the structure which appears in the Metal and Engineering Industry Award where you have a totally integrated award, both in classification structure and in the conditions of employment. Now, I believe that really
15 what we're talking about as far as this award is concerned, is a set of procedural steps rather than sitting down and really negotiating out a new package because that work was, by and large, done back in 1991. What the parties now need to do is sit down and spend half a day going through it clause by clause and saying which clause we are going to pick up, which ones we are going to put together, and so on.

20 As far as the wage rates are concerned they, as far as the trades area are concerned and as a clerical structure is concerned, we will derive those, sir, from the Metal and Engineering Industry Award, which of course has been long-established now in this commission for a number of years, relativities which are accepted not only in that award but by the commission generally.

25 I was hopeful, sir, of presenting to you a draft order this morning. Unfortunately, Mr Edwards had to leave urgently on Wednesday, but we have had a slight difference of opinion as far as the format of the draft order is concerned and we would like, sir, to go off the record for a couple of minutes just to sort that out but other than that, we do have an agreed position as far as the restructuring of Division A of the award is
30 concerned, which relates to trades and non-related tradespeople. There will be some ongoing discussions between us concerning a couple of issues which pertain to it but we will sort those out down the track as we get to the discussions.

35 Basically, that is our position this morning, sir. We've reached an agreement as far as Division A - the restructuring of Division A is concerned. We would like to come back to you in a couple of week's time with Division B and then come back to you - I was going to say a few weeks after that, but it will be Christmas - in the New Year with a package.

PRESIDENT: Gosh. Will it take that long. You're pretty close. I thought we could have fixed this up at least by the end of this month.

40 MR BAKER: Well, there's no reason why not, sir, other than the commitment to the parties, sir.

PRESIDENT: Yes, all right. Well, thanks for that, Mr Baker. I had best hear from the other parties and see what their views are, on what you say is a fairly common position. Mrs Dowd?

45 MRS DOWD: Mr President, I haven't anything to add to what Mr Baker has actually said, except the fact that the clerical division will be integrated into the other division, similar to what is in the Metal and Engineering Industry Award and with the commitment that we will actually be participating in that.

PRESIDENT: All right. Thank you, Mrs Dowd.

MR BENSON: Mr Commissioner, we support the previous speaker.

PRESIDENT: Right. Very good. That's fairly cosy. Mr Watson?

5 MR WATSON: Mr President, there is a consent position in relation to this matter
which we are quite happy with obviously, that the relativities and the associated
classification standards, as Mr Baker said, are well established through the Metal
Industry Award and in fact as far as we are concerned, there only remains one matter
and that is the form of the order in relation to the wage rates in relation to the base
10 rate, supplementary payments and the safety net adjustment and the weekly wage
rate. That's what we'd like to discuss off the record, if we can, for a couple of minutes.

PRESIDENT: All right. And you've got a fairly common position with the employees
on the employment conditions, apart from wage rates and consolidation thereof?

MR WATSON: I would take it on face value from Mr Baker, that that's the case -

PRESIDENT: I see.

15 MR WATSON: But I haven't actually been instructed that that is - I don't think there
will be a problem but I just cannot advise the commission that that is the case.

PRESIDENT: No. Okay. Thanks, Mr Watson. All right, we'll go off the record for the
purpose of discussing this slight difference of opinion.

OFF RECORD

20 PRESIDENT: Thank you for a very productive conference. As I understand it, we are
agreed that we will resume the hearing on 3 November at 9.30 for consideration of a
draft order in relation to Division A. That we will reconvene on 14 for consideration of
a draft order in respect of Division B and on that day, the parties should be in a
25 position to advise me as to when we should resume again to consider the remaining
conditions in the award for the purpose of total review. Thank you very much.

HEARING ADJOURNED