



TASMANIA

*Tasmanian Industrial Commission*

Industrial Relations Act 1984

T No. **9320 of 2000**

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

Re: reformatting of award

DEPUTY PRESIDENT WATLING

HOBART, 5 June 2001  
Continued from 13 March 2001

**TRANSCRIPT OF PROCEEDINGS**

Unedited

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

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**HEARING RECOMMENCED 11.05am**

DEPUTY PRESIDENT: I'll take appearances please.

**MR I. PATERSON:** If the commission pleases, IAN PATERSON  
5 appearing for the Australian Municipal, Administrative, Clerical and  
Services Union.

DEPUTY PRESIDENT: Good. Thank you.

**MR M. WATSON:** May it please the commission, MARK WATSON; I  
appear on behalf of the Tasmanian Chamber of Commerce and  
Industry.

10 DEPUTY PRESIDENT: Good. Thank you.

**MS L. YILMAZ:** If it pleases the commission, I appear for the  
Victorian Automobile Chamber of Commerce - YILMAZ L.

DEPUTY PRESIDENT: Good. Thank you. For the purposes of the  
15 record, I just point out that the VACC yesterday was granted an  
interest in this award through the change of name and I checked with  
the registry and it's my understanding that the paperwork has been  
completed by the acting registrar and forwarded to the organisation  
yesterday. So I'm satisfied that that appearance is okay.

Now, we've met on a number of occasions and it's certainly my  
20 understanding that there is a consent position arising out of this  
morning's hearing. However, the application only seeks to reformat the  
Automotive Industries Award. It's my understanding that the parties  
have gone a little further than just a reformatting exercise and they've  
25 in principle followed the Wage Fixing Principle that talks about dealing  
with a number of other things other than just reformatting and in  
addition to just reformatting.

Now the applicant organisation is not here today but it is my  
understanding also that the parties that are present have a document  
which is allegedly agreed on how the award will be amended and Mr  
30 Paterson, I think you were going to tender some documents and I have  
it here and I'll give it an exhibit number if you so wish.

**MR PATERSON:** The document that I'd refer the parties to is headed  
Appendix 1 - Summary of Changes to the Automotive Industry Award.

DEPUTY PRESIDENT: Yes.

35 **MR PATERSON:** I understand all the parties do have a copy of that -  
have a copy of the same document.

DEPUTY PRESIDENT: Yes. **EXHIBIT P.1.**

**MR PATERSON:** Thank you, commissioner.

DEPUTY PRESIDENT: Now technically the applicant should be seeking to amend the application to vary the award in the manner set out in exhibit P.1. The applicant organisation is not present today, however any submissions that are made by the parties will be subject  
5 to a) the parties here today agreeing that the award be amended as per exhibit P.1, and b) that the applicant organisation with the consent of the parties to the award amend the application in the manner set out in exhibit P.1. My decision at the end of the day will be based on those steps being completed.

10 Are the parties familiar with how we're going to proceed today?

MR PATERSON: My union and I understand your course of action and endorse that as the appropriate mechanism for today's hearing.

DEPUTY PRESIDENT: Good. Thank you. And the TCCI and VACC understand that?

15 MR WATSON: Yes, deputy president.

MS YILMAZ: Yes, deputy president.

DEPUTY PRESIDENT: Right, Mr Paterson, have you any submissions to make?

MR PATERSON: I think I probably best leave those to Mr Watson to  
20 endorse the consent of the employer on these. I do note on a quick perusal of this, if you like, the key matters that are beyond what is - that are addressed by the wider variation to this award include things such as the new definition of apprentice, the carer's leave provision, the inclusion of the commission's new model parental leave clause and  
25 the updating of allowances - for instance the travel allowance in the draft at Part X clause 1(h). Other matters that did for the most part came out of the award review and reformatting processes.

My union is pleased to see particularly the carer's leave and parental  
30 leave provisions and the apprenticeship definition brought up to date in this application and I understand that this appendix does represent a consent position in terms of the variations that the parties agree to for this award.

DEPUTY PRESIDENT: Good. Mr Watson?

MR WATSON: Thank you, deputy president. I can confirm that  
35 Appendix 1 which is exhibit P.1 before you today is a consent position. The parties actually met with your associate last Friday to discuss this matter and to go through the process to make sure that all the documentation was correct.

Now I do wish to extend our appreciation to your associate's work on  
40 this. She has certainly done a lot of work and we do appreciate that.

But yes, the document is consent. It does go further than simply the subject matter of the application which is just simply brief reformatting. It's certainly my understanding that it would have been the intention of the applicant to amend the application today.  
5 However, our consent to this is obviously on the basis that the applicant does amend his application. If he doesn't do that well then we would have to come back and make further submissions to you because it certainly would not be a consent matter in that case. If it pleases.

10 DEPUTY PRESIDENT: Is there any submission from the VACC?

MS YILMAZ: Yes, deputy president. On behalf of VACC, we'd want to just commend the effort of all the parties involved in particular with the applicant organisation in terms of the reformatting of the award and the work that's gone into the inclusion of test case clauses and a  
15 number of other provisions already referred to this morning.

Our position is, we do consent to the amendment as contained in exhibit P.1 and we'll also consent in particular to those amendments on the basis that the applicant union vary their application to incorporate more than the reformatting of the award. If the  
20 commission pleases.

DEPUTY PRESIDENT: Good. Thank you. Well, I thank you for your participation. It just makes it a bit murky when people that should be here aren't here, however I'll wait to hear from the applicant organisation before I go any further with it and the submissions that  
25 you've presented this morning will be taken on board when arriving at my conclusions to this application. Thank you.

**HEARING CONCLUDED 11.13am**