

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T Nos 6267 of 1996 and 5455 of
1995

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

re variation of Division F by the insertion of
special provisions for persons employed
principally to sell motor vehicles; and
deletion of Division G; restructure
conditions component of award;

PRESIDENT

HOBART, 20 August 1996
continued from 16/7/96

TRANSCRIPT OF PROCEEDINGS

Unedited

PRESIDENT: Could I have appearances in these matters please.

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

PRESIDENT: Thanks, Mr Baker.

5 **MR G. COOPER:** If the commission pleases, I appear on behalf of the Australian Workers' Union, Tasmania Branch, COOPER, G.

PRESIDENT: Thanks, Mr Cooper.

MR P. NOONAN: If the commission pleases, I appear on behalf of the Shop Distributive and Allied Employees Association, Tasmanian Branch, NOONAN, P.

PRESIDENT: Yes, thank you, Mr Noonan.

10 **MRS H. DOWD:** If the commission pleases, I appear on behalf of the Australian Municipal Administrative, Clerical and Services Union, DOWD, H.J.

PRESIDENT: Thank you, Mrs Dowd.

15 **MR T. EDWARDS:** If it please the commission, I appear for the Tasmanian Chamber of Commerce and Industry. Appearing with me, **MS J. THOMAS**. My name is EDWARDS, T.

PRESIDENT: Very good. Thank you, Mr Edwards. Well, this is a report-back, isn't it, on both matters? I have a letter from TACC, which I might read into transcript to help commence proceedings. It's addressed to the commission from Leyla Yilmaz:

20 *If the commission pleases, the TACC is unable to appear in proceedings on Tuesday 20 August 1996 at 9.30 a.m. regarding the above matter. The TACC would like the following noted for the record:*

1. *The TACC support the restructure of the Automotive Industries Award.*
2. *The TACC have committed to discussions with the parties to the award in the past and will continue to do so.*
- 25 3. *The TACC have committed to meet with the AFME/PKIEU to discuss their proposals with the view to updating the award to meet the principles of the commission.*
- 30 4. *In relation to T6267 of 1996, the TACC have agreed to the variation of the award consistent with the previous endeavours in T5455 of 1995, however in T6267 the TACC advise that we withdraw our support for the deletion of Division G at this moment in order that its application be assessed after further clarification of instructions from those potentially affected by that division.*

We understand that that position is agreed by the AFME/PKIEU.

35 Mr Baker.

MR BAKER: Perhaps if I start with the last matter first. As I've explained to the commission previously, Division G, in essence, refers to the KMart - or KMarts they

are in Tasmania and some time ago the KMart advised us and the AWU that they were in fact no longer wishing to be bound by the terms and conditions of the Automotive Industries Award and that they in fact would revert back to their resposdency of the federal Repair, Services and Retail Award.

5 So, it comes as a bit of a surprise to us that as late as last evening I'm advised by Ms Yilmaz from the VACC that the KMarts in Tasmania wish to maintain their resposdency to the state Automotive Industries Award. Now, that left me somewhat confused for a number of reasons, the least of which I found difficult to reconcile the
10 fact that if you're a respondent to a federal award, how you can sort of opt to choose the resposdency from one state to the other.

Without wishing to comment as to Ms Yilmaz's comments in relation to that matter she advised, as is consistent with the correspondence that she forwarded to you, that she would take further instructions from the company as to how they believed the
15 federal R S & R Award does not apply in Tasmania and so, without pressing the issue today, I think it is appropriate that perhaps we set that matter aside until we are advised by the VACC exactly what the position is as far as the KMart is concerned.

I have also discussed the matter with Mr Edwards last night and I think both he and I have an understanding of exactly what the position is but we, as I've indicated, won't press that matter this morning.

20 In so far as the motor vehicle sales people are concerned, Mr Edwards and I have had discussions in the ensuing period and we have reached an agreement in principle as far as that position is concerned. There are a couple of issues which remain outstanding. One is the exact level of remuneration for people who use motor vehicles
25 et cetera within those provisions but we have an agreement in principle and it's just a question of clarifying the exact rate.

There is also some minor wording change between us that needs to be just sorted out. When I say, sorted out, it's just a question of drafting the words. So, as far as the motor vehicle sales people are concerned, we are agreed in principle as to where that
30 matter is. All we need to do is hand the commission a completed draft order. So that issue may be put to one side.

In so far as the restructuring of the award is concerned, as I indicated to the commission on the previous occasion, arising - not so far as this matter was concerned, but certainly I have advised the commission previously that there was in
35 fact a draft of a document prepared by the AFMEPKIEU and circulated to the parties some considerable time ago, which drew all sorts of comments and I certainly wasn't discouraged by those comments but felt that perhaps there needed to be an alternative method of approach and hence, what we've put before you in a piecemeal approach was, we believe, the way to go. That was, to tidy up the various sections of the award.

40 Under this application, that is T4344 of 1995, we have in fact written to both the employer organisations -

PRESIDENT: Four - what was that number again?

MR BAKER: T4344 of 1995.

PRESIDENT: Is that before us at the minute?

MR BAKER: I'm sorry. I beg your pardon.

45 PRESIDENT: God, I hope not. Tell me. It sounds as though it's another one I ought to look up.

MR BAKER: No, no. I beg your pardon, sir. T5455.

PRESIDENT: Right.

MR BAKER: In so far as that matter is concerned we did actually, as I indicated, submit to the parties an exhibit some time ago in relation to that.

5 PRESIDENT: Yes. It was almost a year ago.

MR BAKER: Yes. So, we're having another look at it. Basically, what we propose in the first instance, is to take Divisions A and B of the award and amalgamate those two divisions as a first step.

PRESIDENT: Yes.

10 MR BAKER: Now I've written to both the employer organisations and indicating how I perceive that to be. There are only minor - minor change - differences - between the two sections of the award and I don't see that to be any sort of difficult exercise and we should be able to complete that without a great deal of difficulty between us, and then we sort of flow into the other sectors of the award primarily that the issues relating to
15 the clerical - the clerical section of the award, the sellers of spare parts and commercial sales people.

Now perhaps if - just to comment on the commercial sales people. I'm not too sure what we're going to do with those - that section of the award but we'll need to sort of sit down and have a bit of a look at that.

20 As far as the other sections of the award are concerned, again I don't see that there will be any huge difficulties between us but no doubt Mr Noonan and Mrs Dowd will make sort of comments about that. One of the difficulties that arise in this award is it's another award of the commission which was varied some years ago to give effect to Saturday morning trading - a decision by the Wages Board Chairman Miley some years
25 ago and those provisions are maintained in this award and it does cause some distortions. But no doubt the parties are mindful of that and will look at that situation when we come to sort of tidying it up generally.

But really, I suppose that's basically the end of the report at the present time. Unfortunately we can't proceed with deletion of Division G although I think that's -
30 that's really a question we've only put on hold. We've almost cut the umbilical cord so as to speak but unfortunately it's still there.

PRESIDENT: What are we -

MR EDWARDS: So the baby will keep breathing at least for now.

PRESIDENT: - what are we - invisible scissors?

35 MR BAKER: That was bad - poor choice - poor choice of words there.

MR NOONAN: Difficult analogy.

MR BAKER: The - I've completely lost my train of thought.

MR NOONAN: The umbilical cord being cut.

40 MR BAKER: The motor vehicle sales people we've fixed - well fixed - we've got agreement in principle as far as the restructure of that section of the award is concerned and we're prepared to put forward a draft order to you on that respect and

as far as Divisions A and B are concerned, there's been some discussions about - well not so much - well there has been some minor discussions - but principally there's been a proposal put forward by us about a simple amalgamation of Divisions A and B and I don't anticipate that should be too much of a problem, and then that brings us to Divisions C and D in relation to clerical employees and sellers of spare parts. And then the issue which I think may cause us some concern is the issue of commercial travellers which are located in this award. I mean there might be a question as to whether or not they might not be more suitably picked by an award more appropriate to their - to their classification elsewhere, but if they're going to stay in this award we'll have to have a serious look at their - at those conditions which are peculiar to them as far as this award is concerned.

PRESIDENT: Who represents the commercial travellers?

MR BAKER: Normally it's the National Union of Workers.

PRESIDENT: Yes. Are they parties to this award?

MR BAKER: Well they're parties to this award and, you know, when you sort of look at perhaps clearing up - cleaning up - the respondents - I mean they - there are several organisations which are respondent to this award who in fact do not participate in proceedings or negotiations.

PRESIDENT: On both sides.

MR BAKER: On both sides.

PRESIDENT: Yes. Well I think that gives us something to work with anyway, Mr Baker.

MR BAKER: Yes.

PRESIDENT: Yes, all right. Who would like to go next? Mr Cooper?

MR COOPER: Well, Mr President, I won't - I won't contribute too much other than to say I understand that discussions in respect to Division F have been ongoing. There has been a draft order that was attached to the application which has been, as Mr Baker has said, revised somewhat by the Metal Workers and the TCCI. I understand in principle that has been agreed to and subject to us viewing that document in its completed form, we'd be - if we could do that we'd be in a position to consent to the application. If the commission pleases.

PRESIDENT: All right. Yes, thanks. Mr Noonan.

MR NOONAN: Yes, Mr President. I think that we must realise that at the end of the day there may still be more than one division in this award. My organisation is perfectly happy to sit down and have discussions with the parties, but I would flag that, that at the end of the day there may more than one division. I can't see our organisation - there are specific rates for Saturday, Sunday, that are contained in this award and I can't see us readily giving those rates up at this stage - well those penalty rates up at this stage. But we're more than welcome - willing to sit down with the other parties and discuss the award.

I endorse Mr Baker's statements in relation to Division G, that is covered under - or it can be covered under the federal award. I would also like to raise the issue of the meal allowance. I believe that there has been an error within the award where the meal allowance of \$9.25 is not contained within this award at this stage. I wonder if this

would be the appropriate time to raise that and see if the award could be varied to include that \$9.25.

PRESIDENT: We haven't got anything before us on it at the moment have we?

MR NOONAN: No, I think it's just a clerical error.

5 PRESIDENT: So where does meal allowance appear? Is it specifically provided for?

MR BAKER: It's in the overtime provision, Mr President.

PRESIDENT: Is it in more than one division?

MR BAKER: Oh yes, it is. It appears - and there are several of them which appear throughout the award.

10 PRESIDENT: Yes. I see. So has it been varied at all as a result of -

MR NOONAN: It was varied, yes, Mr President, but there must have been a clerical error somewhere where it wasn't included in this award.

PRESIDENT: Oh right. Okay. We'll try and track it back then. We might have to - we might have to adjourn to have a look at that. All right, thanks, Mr Noonan.

15 MR NOONAN: If the commission pleases.

PRESIDENT: Mrs Dowd.

20 MRS DOWD: Thank you, Mr President, the Australian Services Union would actually like to support the comments made by the other parties. We are in a similar position to Mr Noonan and the SDA in relation to the penalty provisions that are applicable to the clerical employees. We are quite prepared to actually sit down and discuss the whole issue in relation to the conditions that are in this award but we would not readily be giving up the hard won conditions that we have in the award that affect our members at this stage. I think that's about all I have to say at this stage, Mr President.

PRESIDENT: Yes, all right. Yes, thanks, Mrs Dowd. Mr Edwards.

25 MR EDWARDS: Thank you, president. I'll try and be as brief as I can whilst hopefully at least touching briefly on each of the issues before us.

30 In - firstly, in respect to Division G relating to KMart Automotive Division, I have had discussions with Mr Baker on that matter and as a consequence I am quite happy to see that set aside for now. I do understand the difficulty that the TACC find themselves in although I am somewhat confused by it as Mr Baker himself has already indicated he is as well. But I can't see that a company can of their own volition just decide which jurisdiction it's going -

PRESIDENT: Yes.

35 MR EDWARDS: - to be playing. That right is normally left solely to unions not to employers. So it is an unusual situation.

MR BAKER: Do I need to object to that comment?

MR EDWARDS: You can object as much as you like. You know how much notice I'll take.

So having said all of that I'd have no objection to that part of the application being set aside at this time.

PRESIDENT: Yes.

5 MR EDWARDS: It does make sense to have that issue sorted out in a structured way and I think the TACC need the opportunity to do that and clarify the position of their client.

PRESIDENT: Yes, they're obviously somewhat confused because in July they informed me that they supported the removal of Division G because the area was covered by a federal award in those terms.

10 MR EDWARDS: That's as I understood it. As I understood it, the situation occurred some years ago where the KMart joined up with an organisation that had resposdency to the federal award, the sole purpose of that manoeuvre was to become parties to the federal award and therefore excise them from state award coverage.

15 Maybe I want to leave it there for a fallback decision, but I guess the TACC will examine that a little further and no doubt we'll all be made wiser at the end of the day.

PRESIDENT: Mm.

20 MR EDWARDS: In respect to the motor vehicle sales persons portion of that application, as Mr Baker has indicated, we have had some discussions with him in respect of his claim and are prepared to offer our agreement in principle to a more closely structured alignment between this award and the Vehicle Industry Repair Services and Retail Award of the Australian commission.

25 You may recall, president, when last we were before you the actual application that was before you contained what I perceived to be a number of errors including references to jury service and accident make up pay which were not features of the state award, and the discussions with Mr Baker have centred around removal of those incorrect references which were drawn from the federal award inadvertently, and Mr Baker has now removed those in the most recent draft I have from him of special provisions for vehicle salespeople.

30 There does however remain some difficulty between us on exactly sorting out the final dollar figures that exist as at this date in the federal award. Mr Baker has tendered a series of figures to ourselves indicating that he would seek clarification of them. He's advised again as recently as this morning that he's unable - been unable to get any further clarification at this time and our concern is that the information we have to hand would say that the allowances are higher than he is claiming. So perhaps we should just cop the low ones and shut up. But it only means we'll be back tomorrow to redo them, president, so I'd rather have it done in one go. And again, our generosity will no doubt be evidenced by the record.

PRESIDENT: If the record could show my raised eyebrows I'm sure - yes - it's most impressive, Mr Edwards.

40 MR EDWARDS: As usual, president. President, in respect to the meal allowance question as it relates to motor vehicles sales people that Mr Noonan has raised, I suspect there is two ways of doing that. I did raise that before the commission when last we were before you on this matter that we believe that matter had been disposed of by way of the full bench proceedings initiated by Mr Cooper's organisation. However, it appears it may be the motor vehicle sales people weren't embraced by his application in a detailed sense. I suppose there's two ways we could deal with it. The first is for you to do the research you've indicated you'd be prepared to do as to whether they

should have been varied administratively as part of the resolution of that full bench order, or in the alternative -

PRESIDENT: If it wasn't in the application it wouldn't have been varied.

5 MR EDWARDS: No, well I don't think it was listed specifically as clause such and such in division such and such.

PRESIDENT: We were very, very careful just to vary those allowances which were specified in the applications.

10 MR EDWARDS: Yes. Now on that basis I suppose a separate claim could be in although I think Mr Baker's current application, as much as it wishes to deal with all the special provisions relating to vehicle salesmen is broad enough to deal with this issue, I'm sure Mr Baker would have brought you back to this point in his right of response, and we would be prepared as part of resolving this particular application to agree to the figure nine twenty five being incorporated there, but that is subject to a proviso, and that proviso I've already mentioned to Mr Baker is that we wish to have
15 more detailed discussions between ourselves and the unions as to the extent of alignment that is going to be sought between this award and the Vehicle Industry Repair Services and Retail Award into the future. I say that specifically because that federal award, as we are advised at this point in time, contains a meal allowance of \$7.85.

20 Now we are agreeing to a rate considerably in advance of that on the basis of the full bench proceedings, but, at the same time, we're agreeing to increase other rates on the basis of a perceived nexus between the two awards and a closer alignment. So we will want to have further discussions on that into the future with the unions so that we can decide what the rules will be because I don't want any organisation, myself
25 included, of being able to have our cake and wanting to eat it as well. It's got to be one or the other. I'm not going to have the best of both worlds applying, and we will reserve our rights in the future to argue against applications to vary if we can't resolve that issue. There needs to be one or the other and I think -

PRESIDENT: Well how do we get over that to start with?

30 MR EDWARDS: At this stage we don't. I'm quite happy to consent to nine twenty five as part of these proceedings. I've said to Mr Baker already that that's on the proviso that as we go through the award restructuring process which is the next part of what I'll address in a moment, I wanted to address this question of alignment and the extent to which it will persist into the future. I think it's in the hands of the parties at this
35 time, president.

PRESIDENT: Yes, well you've got that option open to you anyway, I suspect.

40 MR EDWARDS: I have, and Mr Bacon's given - Baker's - given his agreement that that is an issue that we ought to discuss and I will be raising it as part of those ongoing discussions. I merely want the record to show that that is an issue between us that needs to be sorted out.

PRESIDENT: Okay. Well, before we move off the meal allowance matter, can somebody pinpoint for me where the award needs to be varied?

MR BAKER: It'll be in -

PRESIDENT: Is it clause 72?

45 MR BAKER: Under Division F.

MR EDWARDS: It's in Division F. The clause title is Meal Allowance.

PRESIDENT: 72?

MR BAKER: Yes.

PRESIDENT: We'll go off the record for a moment.

5 **OFF THE RECORD**

PRESIDENT: Yes. Thanks, Mr Edwards. It would appear that the award has not been varied at all to reflect the decision of the full bench in the meal allowance case, so I'll have to examine that to see what action can be taken to remedy that position.

MR EDWARDS: Thank you, president. I'll leave any further comment in that regard
10 at this stage and return to the instant matter, which was special provisions for vehicle
sales people. Without going into any greater depth than I already have, I will indicate
that our agreement in principle has been reached with Mr Baker and it's our intention
to try and finalise a draft order to forward to the commission at the earliest available
15 opportunity. I am in your hands a little bit, president, whether that's sufficient for
today and that we see a variation occur as a result of today's proceedings, but the
actual form of words being provided to you at a slightly later date, or whether you wish
us to return before you again on this subject?

PRESIDENT: Yes. I would like the opportunity to look at the draft.

MR EDWARDS: Certainly, you'll get to see it.

20 PRESIDENT: Before I have to make a decision - I mean - yes, before I make a
decision as to whether or not it's going to be accepted.

MR EDWARDS: So, on that basis you'll be wanting us to return before you.

25 PRESIDENT: Well, I think we have to come back, don't we, to deal with the other
matter - with Division G, and I was going to ask you, what sort of time we need to find
out whether or not these people are covered by a federal award. It strikes me, it
shouldn't be too difficult.

MR EDWARDS: Ten seconds.

PRESIDENT: Well, not much longer.

30 MR EDWARDS: No, I wouldn't have thought so. So, on that basis, yes, I'd agree that
we come back, perhaps with both issues, at the same time and we can perhaps resolve
both matters with a single stroke of the pen, as it were.

PRESIDENT: Yes.

35 MR EDWARDS: Referring then to the next application, which is 5455 of 1995, re
structuring exercise, I must admit I did wait with baited breath since the day of last
proceedings for the TACC's complete redraft of the award to arrive on my desk, as was
indicated by Mr Baker. Clearly, it didn't arrive and Mr Baker has elected to take an
alternative avenue in respect to restructuring the award.

40 I think, with the benefit of some hindsight, that this slightly smaller effort might be
worth exploring. Frankly, I think the award as it's designed covers an enormous range
of occupations and it may be appropriate to do it slightly more piecemeal than was the
original intent of all of the parties. So, in principle, we've got no difficulty in addressing

the matter in the way suggested by Mr Baker. The actual details, we've indicated to him, we would need some time to look through and then obviously there'll be -

PRESIDENT: So there is a revised draft, is there?

5 MR EDWARDS: There is a proposal being provided to me by Mr Baker, dated 8 August, which unfortunately I didn't receive.

PRESIDENT: This year?

10 MR EDWARDS: This year - which unfortunately I didn't see until yesterday because I was away all of last week but I spoke with Mr Baker about it in brief last night and we've agreed to explore that direction. I wouldn't put it any higher than that at the moment but certainly, there is the prospect there for us exploring the matter further and progressing T5455 somewhat further than it has been in the past.

PRESIDENT: Would that involve TACC?

15 MR EDWARDS: It would involve TACC and also the other employer organisation party to this award, the Metal Industry Association of Tasmania, would be involved as well.

PRESIDENT: Right. Would you be acting for them?

MR EDWARDS: I certainly would be. I happen to be their manager of industrial services in my spare time.

20 PRESIDENT: Yes, that's what I thought. So, it's really - the employers are tied up between yourself and the TACC.

25 MR EDWARDS: Yes. We will certainly be seeking to work cooperatively with TACC in this matter. On the question of the commercial travellers being perhaps sought to be relocated to another award, that proposal wouldn't receive any support from our organisation and I would be surprised if TACC supported it. I think it was their stated reason for being registered in the state commission and if that disappears, given their federal registration, one wonders what interest they would have in remaining in the award. So, I doubt very much that they would be prepared to agree to it.

30 Certainly, there are commercial travellers covered by the award - a considerable number of them and we would not agree to them being relocated out of this award. They are an integral part of the automotive industry and should be seen as such. That's certainly our point of view at this stage, without pushing to put anyone into corners on the matter.

35 In respect to the comments made by both Mr Noonan and Mrs Dowd about whether or not there could or should, at the end of the day, be one or more sections to this award, that will be a question of the negotiations and we will just see what does happen. I'm not prepared to pre-judge those issues. I don't have an open or closed mind to either suggestion. Certainly, I go into the discussions with a very open mind, as to the final make-up of this award in terms of its structure.

Having made those brief comments, I would pause at that point.

40 PRESIDENT: Yes, all right. Thanks, Mr Edwards. Mr Baker.

MR BAKER: Thank you, sir. A couple of things - in so far as to the extent to which this award is aligned with its federal counterpart, I think that is an issue that will certainly raise itself in the discussions which we have because those of us who are

familiar with both awards understand quite clearly that there are some significant differences between the two awards. For example, there are provisions in the federal award which relate to the opening and closing of service stations, which do not appear in this award and there are significant differences in so far as the operation of tyre centres, places like Bridgestones and Bob Jane for example, which are quite significantly different than what appear in this award.

So, that issue certainly will need to be addressed and to the extent it will need to be addressed is a question for the parties to come to some grips with because, as I said, there are significant differences between the two awards.

On the issue of allowances and which allowance applies and how much applies and so on, I think also ought to be the subject of discussions between us so that we, at the end of the day, have a firm understanding of where this award goes, vis-a-vis its federal counterpart.

I agree with Mr Edwards and his comments about - I suppose we all agree, that perhaps tackling the award as a whole, proves somewhat too difficult for the parties and the piecemeal approach will be the way to go. As far as the next step of the award and that's the amalgamations of Divisions A and B are concerned, I don't see that that is really a great effort. There is really only one provision in those two sections of the award that is basically different and that is the travelling allowances, **time** and board provision and I think, between us, we ought to be able to come up with a composite clause that should reflect an appropriate travelling allowance and board provision.

The rest of it, I really see as rolling two into one and we finish up with a single provision. It's good to come along actually and hear some positive comments from the employers today in so far as this award is concerned and I welcome those most heartily.

MR EDWARDS: It's amazing what happens when we consult.

MR BAKER: Well, I won't comment on that. With those comments, sir, I would conclude my remarks and look forward to another day.

PRESIDENT: Yes. Anything from the other union parties? No.

Look, we need to get back to finish off 6267 and we can do that fairly quickly, by the sounds of things. Has anybody got ideas about days to deal with that one. Everybody's looking through their diaries. We'll go off the record for a moment, please.

OFF THE RECORD

PRESIDENT: So, in respect of Divisions F and G, we'll resume on 30 August at 9.30 for, hopefully, the presentation of consent orders in respect of those two matters. That should dispose of application 6267.

The other issues - I wonder whether - is there any way I could assist by providing time and place for parties to get together?

MR BAKER: Well, I think, sir, so far as Divisions A and B are concerned, it really is just - I mean, the documentation I have given to the TCCI, while it's brief, it's really self-explanatory. If you agree with the thrust of doing it, it's just an issue of, for example, moving through them and moving, for example, adult apprentices in Division B into Division A.

PRESIDENT: Yes.

MR BAKER: Now, the extra rates go into Division A. The hours provision goes up. The minor change with the overtime, which is simply a wording issue. Piecework rates, special rates go up and all you've got to do is come up with a new **time** and wages allowance.

5 PRESIDENT: Is the principle of amalgamating service stations and garage proprietors and mechanics and body makers or assemblers accepted?

MR EDWARDS: I don't, at this stage, see any great problem with it. As I said, I only received this yesterday. Now, I need to consult my members, obviously, before I can make comment one way or the other. My advice to them will be that I don't see any particular difficulties, but I haven't traced these things right through in any great detail. It all sounds very simple and Mr Baker stands there and says, it just means this and that. What that means out in the field, could be something quite different. I just need to be absolutely certain.

PRESIDENT: Yes, that's quite right. You need to be sure.

15 MR EDWARDS: I still have masters to report to. In that regard, I don't foresee any problems but I won't commit to that at this stage. I'd certainly -

PRESIDENT: How much time would you need to consult?

MR EDWARDS: No more than a couple of weeks to get the consultation side of it done, then I'm quite happy to get back together informally with the unions and if, as I suspect, there won't be any difficulty to this approach, then it shouldn't take a long period of time.

PRESIDENT: Okay.

MR EDWARDS: The drafting, however, may take considerably longer. As you'll appreciate, when we've got to start from scratch, putting all this stuff into computers and the like, it does take some time. May be the commission is able to assist in that regard.

PRESIDENT: In terms of?

MR EDWARDS: I was thinking perhaps of a floppy disk, or something similar. It might enable the parties to at least be starting from a common base, which happens to be the award as it exists.

PRESIDENT: Yes.

MR EDWARDS: If that's available, I think that would certainly make life a lot easier. We would all be operating from a common base and we could just input the changes as we make them.

35 PRESIDENT: You will consult with Mrs Geer, will you?

MR EDWARDS: I certainly will, Mr President. Thank you very much for your assistance in that regard.

PRESIDENT: Yes. Now, in respect of - that's A and B. There were other things we still had to look at, weren't there - clerical -

40 MR EDWARDS: C, D, E and F.

PRESIDENT: Yes and the retail side.

MR EDWARDS: I suspect those issues may take just a little bit longer than A and B. What I would be proposing to Mr Baker, as part of our discussions and I haven't done so yet, but I'll say it here - I don't think it will cause him any embarrassment, is that we use the resolution of A and B to dispose of 5455 and that a fresh application be made to commence the next stage of the process. That way, we're not continually dragging -

PRESIDENT: You just don't want me to keep on bringing this file back for report-back, do you?

MR EDWARDS: Exactly right, president. I do find report-backs to be arduous in terms of time.

PRESIDENT: They are. This was an application to deal with all conditions in the award, of course.

MR EDWARDS: Yes, but I suspect Mr Baker could perhaps make an application for leave to amend, to only deal with A and B. That's a matter for us to discuss. We haven't agreed on that. I just put that forward.

PRESIDENT: I understand that. Mr Noonan?

MR NOONAN: Yes, Mr President - I don't think there's been any commitment by any of the parties just to have one division within the award at this stage.

PRESIDENT: No. I didn't think there was, but I thought we were looking to rationalise the award.

MR NOONAN: Well, consolidate the award, where possible and where practicable.

PRESIDENT: All right. Well, in respect of 5455, I think we probably need another session. What would you think - a month's time, is that too much? Mr Baker? Given that we're probably only dealing with A and B to start with.

MR BAKER: We'd need a month.

MR EDWARDS: I reckon we'd need a month. I need two weeks to consult.

PRESIDENT: And then you've got to argue about what's in there anyway. Tell me what the parties would like to do in terms of a month? What sort of day suits you? We'll go off the record.

OFF THE RECORD

PRESIDENT: All right. Well, we'll adjourn application 5455 until 9.30 on September 17, and that appears to dispose of the two applications for the time being, does it not? Well, those matters are adjourned as we determined.

HEARING ADJOURNED