

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T No. 5574 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 (mention only)

COMMISSIONER GOZZI

HOBART, 12 July 1995

Unedited

COMMISSIONER GOZZI: All right. Can I have appearances in that one.

MR P. BAKER: Sir, I appear on behalf of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, P. BAKER.

COMMISSIONER GOZZI: Thank you, Mr Baker.

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

COMMISSIONER GOZZI: Thank you, Mrs Dowd.

10 **MR M. CALDWELL:** If the commission pleases, CALDWELL M., I appear on behalf of the Construction, Forestry, Mining and Energy Union, Tasmanian Branch, and with me is **MR B. DEVINE.**

COMMISSIONER GOZZI: Thank you, Mr Caldwell.

MR T.J. EDWARDS: If it please the commission, EDWARDS T.J., for the Tasmanian Chamber of Commerce and Industry.

COMMISSIONER GOZZI: Thank you, Mr Edwards.

15 I suppose, Mr Baker, that's really the subject of what you were talking about before?

MR BAKER: Yes, sir, although there has been some changes made. As Mr Edwards indicated, the matter was before the Deputy President back in 1992, and there were some changes made to Division A of the award which relates to employers engaged in construction, alteration and repairing of ships, etc., but there was also a major rewrite of the clerical section of the award.

We have a situation now in this award where in some instances clauses which are identical to the others; we have some which are almost the same; and some which are totally at odds with the others.

25 So it really does involve the parties sitting down and coming to a view of rewriting the award so that it is succinct and clear, and the worst example is that there are two dispute-settling procedure clauses in the award and both of them are different, and yet are the same.

30 Now I am not sure how the parties managed to arrive at that in 1992 when the variations were made, but I'll leave that for the TCCI to try and respond and work out how they managed to put in, or negotiate, two separate dispute-settling procedure clauses at the time.

But, as I said, sir, really in reality what we need to do is look at it and just simply go through it and rewrite it so that it is succinct and that it is easily accessed by the parties.

35 COMMISSIONER GOZZI: Mm. I mean, I noticed on the Commitments Award Modernisation that the working party will continue to meet.

MR BAKER: Yes, well, it was meeting at the time -

COMMISSIONER GOZZI: Yes.

MR BAKER: - and there has been a slight hiatus in the middle.

COMMISSIONER GOZZI: Fair enough. We'll leave it at the hiatus stage. Now this application is for the entire award, as you were saying?

5 MR BAKER: Yes, sir, I think, given the thrust of the commission's directions. These days the concept of having Division A,B,C and D is really a thing of the past and, as I have indicated, there are a number of clauses which are identical and others which are, you know, identical with the exception of a slight change in words. We are really facilitating, you know, assistance to the printing industry.

COMMISSIONER GOZZI: Yes. All right. Thanks, Mr Baker. Mrs Dowd?

MRS DOWD:

10 COMMISSIONER GOZZI: Well, you shouldn't complain about that.

MR BAKER: No, that has just been pointed out to me.

COMMISSIONER GOZZI: Well, fair enough. Mrs Dowd, anything else to add?

15 MRS DOWD: No, I haven't anything to add, Mr Commissioner, other than to say that at this stage there haven't been any discussions between the parties in relation to restructuring the award since 1992.

I haven't been involved in this particular award at all. I am only just taking it up now, and I am looking forward to actually getting stuck into restructuring the award.

If the commission pleases.

COMMISSIONER GOZZI: Yes. Thank you, Mrs Dowd. Mr Caldwell?

20 MR CALDWELL: Nothing further to add, Mr Commissioner., I think my colleagues have outlined the process and the problems.

MR EDWARDS: Thank you, commissioner. I've been issued a challenge by my friend, Mr Baker, to explain the two dispute clauses.

COMMISSIONER GOZZI: I am sure there is a cogent reason.

25 MR EDWARDS: I always like to accept a challenge.

All I am going to do is blame absent friends, commissioner. I take no responsibility whatsoever. That is probably something to do with the negotiating techniques of the different parties to the award, I suspect.

COMMISSIONER GOZZI: Yes, I reckon.

30 MR EDWARDS: Commissioner, we certainly agree generally with the thrust of the submission put by Mr Baker that the award is in need of some attention to make it clearer, a bit more easily understood and perhaps streamlined, and perhaps we might even Australianise some of the language to make it a little bit easier for simpletons like myself to understand, and therefore some other people might have a chance as well.

35 So we certainly commit ourselves to that process.

I don't think Mr Baker put forward a timetable, but we do commit ourselves to the commencement of the restructuring and I guess we could initially start discussing that at the time we talk about the matter that was previously before the commission.

If it please the commission.

COMMISSIONER GOZZI: All right. Thanks, Mr Edwards.

Well, it may be appropriate to adjourn it sine die and for you to come back when you are ready to put something tangible.

5 MR BAKER: Yes.

COMMISSIONER GOZZI: I mean, I have gone down the track with other awards of listing things and that.

10 MR BAKER: I don't foresee that there should be too much of a problem, because a lot of the restructuring was already done as far as the clerical side of the award is concerned, and it really is just sort of having a look at Division A and just seeing how that sort of sits with it.

MRS DOWD: And the structure.

COMMISSIONER GOZZI: So, what are you saying, would you like a date?

15 MR BAKER: No, no, no, what I am saying is it shouldn't be such a massive effort because there has already been a fair degree of work done.

COMMISSIONER GOZZI: Well, that's good, then. That should be fairly quick.

MR BAKER: Yes.

MR EDWARDS: Your optimism -

MR BAKER: Until we run into clause 3.

20 COMMISSIONER GOZZI: Right. Yes. All right, well I will adjourn this application sine die and we'll wait for some contact in respect of progress. Thank you.

HEARING ADJOURNED SINE DIE