

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 3461 of 1991 and
T No. 3929 of 1992

IN THE MATTER OF an application by
the Metals and Engineering Workers
Union to vary the Automotive
Industries Award

re minimum rates adjustment,
restructuring of award

COMMISSIONER GOZZI

HOBART, 18 August 1994
continued from 18/1/94

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: Appearances please. :

MR P. BAKER: Sir, I appear in both matters on behalf of the Automotive, Food, Metals & Engineering Union - P. BAKER.

COMMISSIONER GOZZI: Thank you, Mr Baker.

MRS H. DOWD: If the commission pleases, I appear in both matters on behalf of the Australian Municipal, Administrative, Clerical and Services Union - DOWD, H.J.

COMMISSIONER GOZZI: Thank you, Mrs Dowd.

MR D. HAYES: If the commission pleases, DON HAYES; I appear for AWU-FIME on both matters.

COMMISSIONER GOZZI: Thank you, Mr Hayes.

MR T.J. EDWARDS: If it please the commission, EDWARDS, T.J.; I appear for the TCCI and MIAT in both matters.

COMMISSIONER GOZZI: Thank you, Mr Edwards.

MR R. JOYCE: If the commission pleases, I appear for the Tasmanian Automobile Chamber of Commerce in both matters - JOYCE, R.

COMMISSIONER GOZZI: Thank you, Mr Joyce.

Mr Baker, what's the situation with this matter - or these matters?

MR BAKER: Sir, there is quite a history associated with these applications. There's also a fair degree of transcript which has been associated with the - with the matters. The original applications arose out of the restructuring of the federal award, that is, the federal counterpart to the Automotive Industries Award which is the Repair Services & Retail Award, and that award has been significantly restructured to encompass a new seven level career structure, supplementary payments, minimum rates adjustments and the whole process.

Now subject to a couple of minor amendments which are still to be made to that structure is all but complete. As a consequence of that situation, the AFMEU - or I think it might have been the MEWU at the time - made an application to reflect the - the new federal structure into the existing state award.

COMMISSIONER GOZZI: Right.

MR BAKER: The existing state award has a number of divisions which relate to various types of activities within the industry. It also incorporates a section which is devoted wholly and solely to the Kmart which is in fact no longer operative.

The award, as I've made mention before, is really a shambles. Depending upon where you work, you can pick up a different tool allowance. There is one - probably the only award left in the state that actually specifies individual wage rates for female employees. It contains provisions for classifications which simply do not exist. It does not recognise qualifications nor does it recognise a number of changes which have occurred in industry.

Now for all those reasons, we felt it was appropriate that the award should be restructured and -

COMMISSIONER GOZZI: That sounds sensible.

MR BAKER: - it has - unfortunately, my efforts have failed to achieve that end. There have been numerous documents which have been presented to the commission and to the TCCI and more recently the TACC. ;

Unfortunately, as I indicated, my best endeavours have not brought the matter to some form of fruition. The biggest losers out of all this exercise are employees who are employed under the terms of this award because now there is a significant difference in wage rates between an employee who is paid under this award and the employee paid under the federal award, whether they be a garage attendant, a lubritorium attendant, you know, somebody who just pumps of a day or whether in fact they are in fact a tradesperson.

At the trades level, for example, the difference now is over \$20 a week and at the other end of the scale you're looking around \$16 a week. There is a significant difference there and it needs to be addressed.

I've tried in the past to have this matter brought to a head without success. It is my request to the commission that the commission actually takes, if you like, a far more proactive role that it has chosen to do so in the past and bring this matter to a conclusion. There is, I would put to you, some agreement - well, as far as I'm aware there is certainly agreement that the award needs restructuring. We do have a new federal award - or, sorry - a new federal classification structure that relates to the majority of the people in the industry.

COMMISSIONER GOZZI: Is that that seven level structure you're talking about?

MR BAKER: That's the seven level - the new seven levels career structure -

COMMISSIONER GOZZI: Right.

MR BAKER: - which incorporates two post trade levels.

COMMISSIONER GOZZI: Right.

MR BAKER: And as a matter of fact on the 22nd of this month there is a meeting in Hobart of the consultants employed by the National Automotive Industries Training Board to consider competencies for the new post trade levels. And all that, sir, is quite foreign to the Automotive Industries Award.

COMMISSIONER GOZZI: Yes, I note here it's got something like 29 different wage rates and a few more too, but -

MR BAKER: Twenty nine - is that all? They seem like a fortune when I go to calculate them all out and bring them back in again.

COMMISSIONER GOZZI: Well there's a lot more - but 29 distinctive ones anyway -

MR BAKER: Yes.

COMMISSIONER GOZZI: - yes.

MR BAKER: And as - you know - and some of them, if you look at the awards, you'll find actually that, you know, depending upon which - which category that you report under, whether it be service stations or garages, et cetera, you'll find there's a different rate for a different tradesperson - or sorry - there's a different wage rate for the same classification.

Now all of that we'd like to finish - get rid of the lot of it and start again. Now I would make a strong suggestion to the commission that in fact it sets a program of dates - or a date would be far more appropriate and I would request the commission that unless the parties come back to you with an agreed document that in fact the commission takes the initiative and arbitrates it to a conclusion.

COMMISSIONER GOZZI: Alright.

MR BAKER: Now, as I said, sir, it really is - and quite frankly, sir, this award is an embarrassment to my organisation.

We have - and certainly, sir, I would say that we took the lead as far as the restructuring of awards were concerned in this commission and - and I think our award - some of them

certainly, sir - would be considered amongst the most progressive in the commission - and then we've got this thing.

Now I might say that I have sort of inherited it as a result of an amalgamation, but as you can see by the file, and if you read the transcript which goes back over some considerable time -

COMMISSIONER GOZZI: Yes, '91.

MR BAKER: Yes. As I've indicated, sir, perhaps my best efforts have not been what they ought to have been because it's still in the position that you see. People are being, as I said to you, sir, significantly disadvantaged because of the disparity of the wage rates which I might add was actually raised by an employer with me the other week who wanted to know what the hell was going on with that other award where the wage rates are less and, as I said, sir, what I would appreciate from you is a date somewhere between 4 and 6 weeks away and at that point in time if the parties cannot give you a document which is agreed between them, I would request that you arbitrate the matter to a conclusion. Thank you, sir.

COMMISSIONER GOZZI: Mr Baker, thanks for that. Is it necessary to keep both files on foot. It appears that the first one, 3461 of '91 was lodged simply on the basis of the first MRA adjustment and then the '92 application which I think is more relevant to what you're talking about, talks about restructuring and minimum rates. It seems that the first one really hasn't got the scope to deal with all the things that you're talking about.

MR BAKER: No, I - you're probably correct.

COMMISSIONER GOZZI: I'm just wondering whether we could get rid of one of them and just use the latter one as the - as a vehicle.

MR BAKER: Yes.

COMMISSIONER GOZZI: Would that be appropriate do you think?

MR BAKER: I think it would be, sir, yes.

COMMISSIONER GOZZI: Alright. Just before you do sit down, the scope of the award is quite interesting. Does the award apply to the RACT and the Chamber of - Automobile Chamber?

MR BAKER: Well it would apply to the RACT, sir, if it were not for a section 55 agreement.

COMMISSIONER GOZZI: I see, right.

MR BAKER: Which is the subject - which is something else I could comment on for 3 hours, if you'd like, sir.

COMMISSIONER GOZZI: No, no, just wondering - I was just wondering. I was just wondering. So there's a section 55 agreement -

MR: There's two.

MR BAKER: Yes, sir.

COMMISSIONER GOZZI: - on foot, and that's a live agreement obviously?

MR: Just been renewed.

MR JOYCE: Commissioner, in response, does it apply to the TACC - the short answer is yes. With respect to clerks and commercial travellers. However, we believe that TACC can have an active role in the positive conclusion of this matter.

COMMISSIONER GOZZI: Alright, thank you. Before I get to you, Mr Edwards, anybody else? Mrs Dowd?

MRS DOWD: Mr Commissioner, the Australian Services Union has been involved in discussions with both the employers and the other unions in relation to this award for quite some considerable time. At this stage we haven't reached a satisfactory conclusion, as Mr Baker has indicated, and I believe that he gave quite a succinct history of the issues. We would support the suggestion by Mr Baker for a date to be set four to six weeks from now so that we can actually have the conclusion of these matters. If the commission pleases.

COMMISSIONER GOZZI: Thank you, Mrs Dowd. Mr Hayes and Ms Moncrieff - you're not in this? No? Mr Joyce, I've - anything else you want to add to what you've mentioned?

MR JOYCE: Just briefly, commissioner, without prejudice the TACC's position would be to create uniform industry conditions and the second point would be that the AFMEU request for a date to be set - perhaps six weeks from now - does have merit.

COMMISSIONER GOZZI: Thank you, Mr Joyce. Mr Edwards?

MR EDWARDS: Thank you, commissioner. As, I'm in a particularly good mood today I'll ignore most of what Mr Baker had to say, the more inflammatory stuff, and just deal with the - the final request -

MR BAKER:

MR EDWARDS: - seeing this is a 'for mention' matter only which I guess is all about programming and we finally got to

that at the end which was the suggestion that a date be set some four to six weeks hence.

The TCCI have no great objection to that. It may be a case of locking ourselves into a date which is, at the end of the day, wrong, but nevertheless, for the sake of programming and to make sure the matter is addressed with some degree of urgency, I've got no objection to that.

As Mr Baker is well aware this award has recently been reassigned within TCCI as well, sir, and Mr Targett will in fact be handling this particular matter and he has indicated to me that he would be prepared to have a meeting with Mr Baker within the first week or two of September to address a document that he received through the mail last week which goes to the question of the award restructure -

And he's indicated to me to do that with some degree of urgency and to press the issues that have been raised -

We certainly do agree that the award needs to be restructured and it's one of the last in the chain and perhaps it needs to be reached fairly quickly.

So we've got no objection to the suggestion. I'm not in a position to actually nominate that date because, as I said, Mr Targett would be than myself.

COMMISSIONER GOZZI: Alright, thanks, Mr Edwards. The restructuring document, Mr Baker, has that been forwarded to Mrs Dowd as well?

MR BAKER: The document itself, sir, was in fact circulated to the - to the TCCI 12 months ago. All that's changed has been the - the wage rates structure has been changed.

COMMISSIONER GOZZI: To reflect the current situation?

MR BAKER: To reflect the current situation.

MR EDWARDS: I'm not in receipt of it - I can't comment.

COMMISSIONER GOZZI: Alright. Look, we'll go off the record.

OFF THE RECORD

COMMISSIONER GOZZI: Alright, it seems that the first application - 3461 of 1991 which concerns itself with the first minimum rates adjustment only can be struck out and we'll use as a vehicle for looking at the award, application 3929 of 1992, and that application has been set down for hearing on 4th October at 10.30 which should allow enough time

for some discussions to take place, and if I can be of assistance in the process, I'm always available early in the morning before hearing 10.30 hearings. Apart from that, we'll deal with it on the - on the 4th October and 3461 of '91 is closed. Thank you.

HEARING ADJOURNED