

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T Nos 226 and 227 of 1985

IN THE MATTER OF applications by the
Australian Workers Union, Tasmania
Branch to vary the Horticulturists
Award and the Agriculturists Award

re Scope and title of award

COMMISSIONER WATLING

Hobart, 31 January 1990

TRANSCRIPT OF PROCEEDINGS

Resumption

COMMISSIONER WATLING: Right. Well, we're going to get some organisation into this. We're going to deal with applications T.226 of 1985 and 227 of 1985 as the first issues.

I'll take appearances in those two matters, thanks. It's an application by the Australian Workers' Union for the making of a new agriculture award, and an application by the Australian Workers' Union to make a new horticulture award.

MR HANLON: **HANLON D.P.** I appear with **MR J. BUTLER** for the Australian Workers' Union.

COMMISSIONER WATLING: Thank you.

MR EDWARDS: If it pleases the Commission, **EDWARDS T.J.** I appear for the Tasmanian Confederation of Industries and the Hop Producers' Association of Tasmania.

COMMISSIONER WATLING: Good, thank you.

MR RICE: If it pleases the Commission, **RICE K.J.** I appear for the TFGA Industrial Association.

COMMISSIONER WATLING: Right. No further ...

MR HOLDEN: **HOLDEN D.** ...

COMMISSIONER WATLING: We're only dealing with two applications. Are you ...

MR HOLDEN: I am seeking leave to intervene into those matters on behalf of the Fruit Preservers Union.

COMMISSIONER WATLING: In the making of a new agricultural award?

MR HOLDEN: Yes. In respect of the point that the Food Preservers Union does have constitutional coverage in those areas, and does, in fact, have members in those areas.

COMMISSIONER WATLING: In what areas are you talking about?

MR HOLDEN:

On page 2 of the reasons for preliminary decision dated 17 January 1986, at page 2 there are a list of headings in respect of the area ... sorry, I think we might be getting a bit mixed up ... in that these awards do cover processing of various agricultural products which fall within the constitutional coverage of the Food Preservers Union.

COMMISSIONER WATLING:

So you're currently parties to the Agricultural Award?

MR HOLDEN:

No.

COMMISSIONER WATLING:

Right. Any further appearances?

MR HANSCH:

If the Commission pleases, **HANSCH B.J.** appearing for the Transport Workers' Union of Australia, Tasmanian Branch.

COMMISSIONER WATLING:

Right. Is there any objection to the intervention from the Food Preservers Union?

MR HANLON:

I take it by the point of the intervention that it seeks to do no more than appear, because it seems to me without an application to be made a party to the award, the role of an intervener already covered by an existing award is of a very limited nature, unless the scope of the award is to be altered.

COMMISSIONER WATLING:

Right. No further objections?

Well, Mr Holden, certainly I understand that you haven't been around in this area ... involved in this application, which has been going since 1985. Nevertheless, I take it that you want some in this area and therefore I am going to grant the application to intervene.

Now, who shall I turn to for a report in this matter? Mr Hanlon?

MR HANLON:

The Australian Workers' Union have

served a draft award on the employers in the industry. There have been consultations between the representatives of the employers. To date there has been no formal response in regard to the award, and those negotiations have, since the serving of the award, taken some 7 months. We certainly would want some progress to be forthcoming, otherwise we would be back to the Commission to seek the Commission to determine the matters.

The impact of the award is really no more than to consolidate the horticulture and the agriculture, and to separate the wage clause into the various the industry.

MR HANLON:

It's not something which we expected to take the amount of time it has. To date we are really in the hands of the employers as to their response to us.

COMMISSIONER WATLING:

Mr Edwards?

MR EDWARDS:

Yes, Mr Commissioner, there have been considerable negotiations first of all between the employer organisations that are party to the awards, and also with the Australian Workers' Union.

I don't quite agree with Mr Hanlon that all that he has proposed is simply a shuffling together of the two awards. But there is a little more to it than that, certainly from the employer prospective, and I guess it is that reason that it has taken a little bit longer than the AWU anticipated.

We are conscious of the fact that it has been some 6 or 7 months since the draft awards were circulated to the employers. We have had extensive meetings with our memberships trying to get firm and detailed instructions, bearing in mind that what we are doing is in reality

creating two almost entirely different awards, and it has taken some time.

We are conscious of that, and I can undertake to Mr Hanlon and to the Commission that we are in a position to meet again with the AWU virtually immediately to further progress these matters, and hopefully dispose of them fairly expeditiously.

If it please the Commission.

COMMISSIONER WATLING: Mr Holden, I take it that your intervention was only in relation to 226, was it?

MR HOLDEN: Yes, that's certainly correct, sir. And it really, at this stage, is basically a watching brief. We'll seek to establish our proper credentials as and when necessary.

COMMISSIONER WATLING: I hope it is going to be shortly, because you'll miss the boat if you don't.

Right, well, look, I think these two applications have been hanging around for long enough, and I'm going to go off the record and set down a date where we are going to finalise this matter.

It's been since January 1986, and I think we can do a little better than that.

If we just go off the record.

...

COMMISSIONER WATLING: These two applications - that is, T.226 of 1985 and T.227 of '85 - stand adjourned until 10.30 on Thursday 8 March. And I just say to the parties I will expect some progress to be reported on that occasion.

MATTERS CONCLUDED