

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T No. 5998 of 1996

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

re insertion of new clause

T Nos. 6274 up to and including 6278 of 1996

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

re new Appendix B - asbestos eradication; new subclauses to clause 8 - Wage Rates; new clause - Make-up Time; new clause - Jury Service; deletion of subclause (e) of clause 11 - Termination of Employment

COMMISSIONER IMLACH

HOBART, 6 November 1996
continued from 15/8/96

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: Any changes in appearances?

MR J. LONG: If the commission pleases, JEFF LONG. I appear on behalf of the Australian Workers' Union.

COMMISSIONER IMLACH: Mr Long.

5 **MR R. HALE:** Sir, I appear on behalf of the Australian Services Union, ROSS HALE.

COMMISSIONER IMLACH: Mr Hale. Now, Mr Baker, what have you got for us?

MR BAKER: Well, a mixed bag, I think. Insofar as T.5998 of '95 is concerned I accept the responsibility of the fact that I did indicate to the parties I would circulate to them a draft order, or a proposed draft order I should indicate. It was then brought to my
10 attention that that in fact had not occurred and I quickly sort of circulated one to the TCCI who in fact advised me that in fact it was the previous order I had previously prepared.

So, insofar as 5998 is concerned, I have brought with me this morning the necessary paperwork to give effect to that amendment and I would propose that since all the
15 parties are here that we go through the documentation following the conclusion of this morning's proceedings to arrive at a consent position as far as the parties are concerned in order that we can sort of wrap the matter up so that the classification provisions in the award can in fact be inserted.

As I indicated, sir, I have got - I have brought all the necessary documentation with me and as far as that is concerned I think we can organise that today, because it is not a
20 terribly long job. Basically most of it is to do with removing references to the Australian Industrial Relations Commission and inserting the Tasmanian Industrial Commission, removing references to the National Training Board and inserting the local industry training board, changing some of the dates which is probably where we
25 may have some discussion as to what we now consider to be relevant dates as opposed to the dates which appear in the federal award; and, sir, that really is my position as far as that is concerned, that we take the opportunity since we are together this morning to simply go through the documentation, prepare the draft and hand it to you at some stage or this afternoon or tomorrow at the latest, following us having the order
30 typed.

Insofar as the other matters are concerned there are two things with that. Since we were last before you we did have a meeting with the TCCI - when I say 'we' there was ourselves, the AWU, the APESMA and the ASU - where we went through the proposals that we had enunciated in those other applications.

35 And, together with that, there was also a document which I have undertaken to prepare as a first draft of a rewrite of the award and that has, in fact, been circulated to all the parties.

There has been no discussions on that document as such because, as I indicated to you, sir, it was simply a first draft and requires some extensive work.

40 Insofar as the other matters are concerned, and before I go on to that I don't know, sir, whether you find it may be appropriate that may require to have a copy for the file. The document mirrors the document that has been circulated to the parties already, sir, so I won't hand you another copy. I am sure one document of 140-odd pages is sufficient for the filing system.

45 So I just indicate that I will deliver that to you, sir, if you like, for your information to show what's been happening as far as that's concerned.

Insofar as the other matters are concerned there are issues there which we are awaiting a response from the TLCI insofar as their attitude towards those, and at this stage I am unaware of what their position is. So no doubt Mr Watson will make some comments about their position as far as those other issues are concerned.

5 That's really about it, sir.

COMMISSIONER IMLACH: Thanks, Mr Baker. Anyone else want to make a comment in the meantime?

MR LONG: No, I have got nothing further to add, sir.

COMMISSIONER IMLACH: Mr Long.

10 MR PYRKE: Commissioner, I look forward to hearing what Mr Baker has got to show us this morning. I might just say that in relation to the document you have seen he has written out the APESMA and that's a dreadful thing as far as I am concerned, sir.

COMMISSIONER IMLACH: What was that again?

15 MR PYRKE: The clause regarding persons and parties bound I can't see the name of my organisation there and I couldn't let that go through without commenting, sir.

COMMISSIONER IMLACH: No, fair enough.

MR BAKER: There is no error there, sir.

MR PYRKE: If the commission pleases.

COMMISSIONER IMLACH: Mr Hale?

20 MR HALE: The ASU has no further comment at this time, Mr Commissioner.

COMMISSIONER IMLACH: Mr Watson, the ball is in your court.

MR WATSON: In this long-running matter.

We did meet on the 26th of August after we were last before you and that was between all the parties that are here today, albeit different people, but the parties were there.

25 Now it was agreed on that occasion that the first job of the parties would be to get the draft order in relation to the new classification structure together and put that issue to bed first of all.

So the discussion at that particular meeting was basically around that and, as Mr Baker said, he was to provide a draft order to the parties.

30 As far as the other issues are concerned, those were the subject of some comment from yourself on the last occasion, as I remember, where we had basically agreed that all those matters should be thrown into the pot for the award review process and the parties should have to work their way through those particular matters.

35 Now, as far as all the other applications are concerned, Mr Baker and I have met and discussed those in not a lot of detail and that was, in fact, prior to the last hearing on this matter, but as far as we're concerned the first issue that we need to fix up and get right is the issue about the classification standards, and as far as we're concerned that's the issue that we need to address first because if that matter drags on and is

not finalised, then in my view it is premature to be looking at the other issues at this point in time.

So I have got no problem with Mr Baker's proposal for today - whether or not we can finish it today I guess we'll have to wait and see.

5 If it please the commission.

COMMISSIONER IMLACH: Yes. Thanks, Mr Watson.

Well, gentlemen, it is my view that it is really in the hands of the parties all these matters. At the moment I don't think it is appropriate for the commission to be intervening at all at this stage.

10 Mr Baker has a proposal for this morning which again I repeat is really between the parties, so what I propose to do is to adjourn this matter sine die. If the parties would like me to be available later to return to not so much to hear a report but perhaps to get something done I am only too pleased to adjourn it for the morning, or whatever, otherwise I think I will adjourn it sine die until I hear from the union - Mr Baker in
15 particular - that something has been agreed, settled, and that the parties wish to formally put that to the commission.

So the parties today really have two choices - we can adjourn for some later time this morning when you can tell me what changes you have got, or we can adjourn it sine die and the parties through Mr Baker can advise me when the matter can be resumed
20 for something to be proceeded with in concrete.

Now, what's your reaction to that, Mr Baker?

MR BAKER: Well, I would prefer, sir, that the proceedings were not adjourned sine die; that in fact if you could keep yourself available for a report back later on in the morning from the parties. In the event that those discussions go nowhere or, indeed, if
25 we are to report back to you that we have a completed draft order, subject to it being delivered to you in the appropriate format. I am hopeful that we can achieve the latter.

COMMISSIONER IMLACH: Yes. All right. Thanks, Mr Baker.

Now I will agree to what Mr Baker has put, so long as everyone else agrees. Mr Long?

MR LONG: Yes, I have got no problem with that, sir.

30 COMMISSIONER IMLACH: Mr Pyrke?

MR PYRKE: That's fine by me, too, Mr Commissioner.

COMMISSIONER IMLACH: Mr Hale?

MR HALE: Yes, Mr Commissioner.

COMMISSIONER IMLACH: The ball is back in your court, Mr Watson.

35 MR WATSON: I have got no problem with that, Mr Commissioner. The only comment that I would make is the practicalities of actually getting to where we need to go to; that is, if documents need to be typed, etc., how we are actually going to do that in coming back to you wish a position.

40 COMMISSIONER IMLACH: Yes, well it is - thanks, Mr Watson. If the parties reach a stage where they have got something concrete as far as I am concerned that's a good

thing and I am prepared to return to hear that and receive the draft order shall we say outside the hearing with a confirmation from each of the parties that that's what's agreed. We might need to resume to have a good look at, but I am quite happy to proceed that way.

- 5 Are we all clear then? All right, we'll adjourn and I'll ask my associate to keep in contact with you so that I'll know when to return. In any case, if I don't hear any more I'll return at, shall we say, quarter to one - a long shot.

All right, this matter is adjourned until quarter to one.

INTO CONFERENCE

- 10 COMMISSIONER IMLACH: Right, what is there to report, Mr Baker?

MR BAKER: Thank you, commissioner. Thank you for the opportunity of having the opportunity to converse with my colleagues and also with the TLCI in relation to the matters before you. In particular I make reference to Matter T.5998, the reclassification classification structures to be inserted into the award.

- 15 Following those discussions I am able to report the parties have reached an agreement as to where we are going to proceed to the future and it is now hoped that we will be able to finalise the draft order in a short space of time. That will depend of course, sir, on some issues beyond our control being made available to us, but I do anticipate that we should be able to now formalise the proposition that's before us and should be able to do that in a reasonably short space of time.
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Again, sir, thank you for the opportunity for the adjournment this morning. It has been worthwhile, and I am confident that we can now wrap the matter up.

- COMMISSIONER IMLACH: Yes. Thanks, Mr Baker, and could I suggest that this matter will be adjourned until I received advice from the parties that you are ready to return with the draft order.
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MR BAKER: Yes, sir.

COMMISSIONER IMLACH: Thank you, Mr Baker. Mr Long?

MR LONG: I have got nothing further to add, sir.

MR HALE: The ASU has nothing further to add, Mr Commissioner.

- 30 MR PYRKE: Nothing further from the APESMA, sir.

COMMISSIONER IMLACH: Thanks, Mr Pyrke. Mr Watson?

MR WATSON: Nothing further me either, commissioner, thank you.

- COMMISSIONER IMLACH: Good. Well, I congratulate the parties on reaching this stage, and I await the next significant step with interest, and the commission will make itself available in a very early time once you advise me that the draft is ready. Thank you.
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HEARING ADJOURNED