

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

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

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

re minimum rates adjustment,  
restructuring of award

COMMISSIONER IMLACH

HOBART, 18 January 1994  
continued from 15/12/93

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: Gentlemen, last time we met was the 16th December, and we had Mr Baker, Mr Noonan, Mrs Dowd, Mr Long, Mr Edwards, Mr Joyce and Mr O'Brien - any changes in those appearances?

**MR R. HALE:** Sir, if the commission pleases, I'll be appearing on behalf of the Australian Services Union - ROSS HALE.

COMMISSIONER IMLACH: Thanks, Mr Hale. I notice Mr O'Brien is absent and Mr Noonan is absent. Right. Who is going to talk?

MR BAKER: When this matter was before you previously, Mr Commissioner, as it has been on a number of occasions now, we were determined that certain things would happen, but before alluding to what has happened since then, I believe it's appropriate if I may, for a moment just reflect upon the Automotive Industries Award as it currently stands.

This award is a hotchpotch of sections which have been added ad hoc over the years to where now there are - whatever there are - a dozen bits and pieces. The last entry in the award relates to the K-Mart who for reasons known to themselves last year simply decided that they would revert back to the federal R S & R Award and so that section of the award is now redundant.

There are provisions in the award which discriminate against female employees. There are conditions of employment which dependent upon which section of the award you work under will reward you differently. For example, the tool allowance and the meal allowance are different for different categories of employees. There are classifications in the award which compensate employees at different rates of pay for performing the same tasks. This award could almost be considered a joke, Mr Commissioner, but I think it's gone past the joke stage and it's moved into the farce. The only trouble is, as a consequence of the operation of this document people are now being exploited as a result of it and they're being exploited because of the growing gap between the wage rates which are applicable under the federal award and those which are applicable under the state award.

For example, if you operate a service station and you choose to belong to Mr Joyce's organisation, the rate for a driveway attendant in round dollar terms is \$333.00 a week. If however you choose not to belong to Mr Joyce's organisation the rate is \$305.00 a week. If you choose to employ a tradesperson, the rate under this award in round dollar terms is \$393.00 a week. If you choose to belong to Mr Joyce's organisation again, the rate of pay is \$425.00 a week. There may be one or two service station owners starting to question the wisdom of belonging to the TACC or any other employer organisation that

follows the path, but I really don't want to dwell on the wage rates comparison so much, Mr Commissioner, it's the overall state of this award.

To put it simply, as I said to you before, one could almost describe it as a joke, but as I said, it's gone past the joke stage. Last year - in fact I think it might have been in 1992 actually - I gave the commission an undertaking that - that we would move to rewrite the conditions side of the award and that we would incorporate a structure - a salary structure that was consistent with its federal counterpart.

Now I didn't really think that the - the second of those two matters was going to be all that difficult because our federal officers - our respective federal officers - would do all the work for us and we would simply come along at the end of the day and give you a document and say this is what's in the federal award and this is what we'd like to see in the state award.

Likewise with the conditions of employment, I was under the impression that if we set to and worked through in a studious manner at the end of the day we could get rid of the 14 various parts and bits and pieces and come up with a concise document.

Now, perhaps I was a little over optimistic, but then I suppose I had some reason to be optimistic. I've been through the exercise before. I could recall sitting down with Mr Brotherson of the TCI a few years ago and doing an exercise that involved the then Mechanical Engineers and Founders Award and the Metal Industry Award where we had two awards that operated in the state. There was often a guess as to who belong - who was under the federal award and who was under the state award. There were different classifications; there were different levels of remuneration but we set to and worked it out.

And now we have a very concise document known as the Metals and Engineering Industry Award; several other awards of the commission were either repealed or amended and so now it doesn't make any difference whether the company is a respondent to the Metal Industry Award or is a respondent to the Metals and Engineering Industry Award, the classification structure and the rates of pay, barring the last \$8.00 are the same, and that is, if you employ a mechanical tradesperson under the state award, the classification is identical to that under the federal award. And likewise if you employ a design draftsman - draftsperson, I should say - under the federal award, within the state award you'll find the identical classification in an identical method and manner of remuneration.

That's what I sought to achieve as far as the Automotive Industries Award was concerned. And as I said, I'd been through the process once before so I was optimistic of achieving the same end - the same goal.

And in January of last year, Mr Long and I think Mrs Dowd from the ASU and myself met with the TCI on 20th January - it's almost the anniversary date - to discuss where we were going as far as the award was concerned. There were a number of suggestions put forward as far as the - the structure was concerned and as far as the conditions of employment were concerned. I have from time to time throughout the year gone back to that document and attempted to put together some form of meaningful document that we could bring to the commission and show that we'd achieved some form of progress.

In 12 months, Mr Commissioner, I have compiled a file that probably weighs - I don't know - 2 kilograms and that was our effort for the year.

I have received from the TCCI their contribution to the award restructuring process and it consists of a one and a half page letter criticising the union for having the audacity to present to Mr Edwards a wage schedule approaching Christmas. Now I might add that perhaps Mr Edwards has got some justification to feel aggrieved at receiving a document for consideration prior to Christmas because he complains in the correspondence that it was a bit of a problem to circulate it to his members. The wage schedule in question may be somewhat different from the one which was circulated on 13th January 1993, but the concept and the principle is the same.

Now, Mr Commissioner, I believed prior to receiving this correspondence that we were heading down a track to receive to get to a mutually agreed point. I come to the commission today, Mr Commissioner, and I say to you, I don't believe the TCCI want this award upgraded at all. I don't believe they want to get rid of the ambiguities that currently exist in the award. I don't believe they want a new salary structure in the award for whatever reason because if they did they would at least make some positive contribution towards resolving the issues that are before us.

This exercise has gone on, in my opinion, far too long. Twelve months, and there has not been one positive contribution towards fixing up this award. The federal award, as I tendered in an exhibit to the commission at the last hearing has now finalised the classification structure, the minimum rates adjustment has been finalised and a new structure will come in from 1st March this year - I think it's the 1st March - it might be the 1st April - I just forget now. And where is this award? Well I've indicated where it is. It's unreadable. It has pathetic conditions of employment in some areas. The rates of pay are an absolute disgrace and -

and it must be one of two awards, I would suggest, in Australia that still has a discriminatory clause concerning the employment of women. I say two, Mr Commissioner, because the odds are there would have to be another one somewhere in Australia - I don't know where but there would obviously be another one.

To try and bring some sense to this exercise, I circulated to people at - at Christmas a document which I termed a draft order and I understand I forwarded a copy of this document to you, Mr Commissioner for your information, but I will now officially tender it as an exhibit.

COMMISSIONER IMLACH: Do you know what number that ought to be? We've had a number of these as exhibits.

MR BAKER: I think it might be 5 or 6, but then I stand to be corrected. Have you got another copy?

MR EDWARDS: I'm trying to work out which one it is; whether it is the first one, second one or third one. Is this one you say you circulated at Christmas?

MR BAKER: Mm. I'm sorry, this is the one after Christmas.

MR EDWARDS: I was going to say, you have got me flummoxed. Just more of the confusion. This is the one you haven't got?

COMMISSIONER IMLACH: U.5. Right, Mr Baker.

MR BAKER: I do apologise, Mr Commissioner, this document as you now have it was not actually circulated prior to Christmas. There were in fact a series of documents which I circulated prior to Christmas, and then I drafted them into one document for circulation, which is the exhibit that you have.

And I would, for the benefit of the commission, go through the document.

COMMISSIONER IMLACH: Well, before you do that, Mr Baker, have you and the Chamber had an opportunity to discuss it? Because, just to jump in, as it were, I don't want to hear about it if you haven't had discussions about it, across the table.

MR BAKER: Well, if you had read the letter, Mr Commissioner, it is pointless talking to them. I have no intention of talking to them. It is a waste of bloody time.

MR EDWARDS: I ask that the claim be dismissed then.

COMMISSIONER IMLACH: Well, do you want me to go into all that sort of business?

MR BAKER: Well, I was really going to ask you today two things, Mr Commissioner. One is, insofar as the conditions of the award are concerned, I would like you to set some dates aside and under your chairmanship we progress through them a clause at a time until they are finalised and agreed.

COMMISSIONER IMLACH: Over all the points contained in the document?

MR EDWARDS: Every word.

MR BAKER: .... that document. The current conditions which appear in the award, I have submitted to the commission in the exhibit which was headed, 'Draft Seven' from memory, and it had all the conditions rewritten.

MR EDWARDS: U.3.

MR BAKER: Now, what I would like to do to bring that matter to finality is to work through it under your chairmanship so that whether it takes 1 day or 2 days or 3 days at the end of it we have an agreed set of conditions of employment.

COMMISSIONER IMLACH: Is that it?

MR BAKER: And, secondly, insofar as the wage rates are concerned I'd like some direction from the commission that the supplementary payments and the broadbanding exercise commence at a date, which means that the parties then have to organise a draft order to give to you. That's it.

COMMISSIONER IMLACH: Right. Thanks, Mr Baker. We'll see how that is received. Have you got anything, Mr Long?

MR LONG: Only that obviously Mr Baker has covered all the points quite adequately. Obviously the whole thing has been going on it seems like infinitum and as soon as the whole thing is wrapped up far the better, and I would support the comments of Mr Baker.

COMMISSIONER IMLACH: Thanks, Mr Long. Mr Hale?

MR HALE: Yes, sir. In relation to this matter the Australian Services Clerical and Admin. Branch is seeking a classification structure, and definitions and wage relativities compared with those in the Clerical and Admin. Employees Private Sector Award, and have them inserted within the Automotive Award.

In saying so, sir, we will be pursuing this with the parties and hopefully to return to you at a date to be fixed.

If the commission pleases.

COMMISSIONER IMLACH: Thanks, Mr Hale. Mr Edwards?

MR EDWARDS: Thank you, commissioner. Commissioner, I don't intend to deal at any length with the hyperbole that Mr Baker has sought to place on the record. It seems to me it would be just a complete and utter waste of time.

But we come before the commission, we have people here trying to cover their backs, advising everyone why things haven't happened.

The facts why this award hasn't been updated are quite clear. The commission is well familiar with them. I don't intend to take you to them.

Just as an example, however, just so that the record might be clear, the document tendered this morning as Exhibit U.5 is a document received before Christmas for which Mr Baker had to apologise and say it wasn't before Christmas it was considerably thereafter, is not even exactly the same as the document that I received from the AMEU dated 7 January 1994 signed by a person whose writing I can't read, but for Philip Baker, and that was circulated to a number of unions, yourself I note, commissioner, you are obviously one of the parties to the award now and part of the negotiating team, and to myself. I am sure Mr Joyce is able to speak for himself, but I note that the TACC were not included in the circulation list. Maybe you got their copy, sir.

We then have a page which talks about restructuring of the Automotive Industries Award, about making changes to the arrangement clause, what we are going to do with the wage rates clause, and it starts talking about a wage schedule by way of a draft order, and that's the part where Mr Baker's exhibit this morning starts. It misses the first couple of pages.

You go through the document, you find you have the classification Section Manager and/or Buyer Orderer repeated at least twice with different nominated classifications each time.

Not only that, I ask the question and I believe appropriately so, seeing those people are classified according to the number of employees they supervise, whether they likewise receive the leading hand rates which are included at the end of the classification listing, which seems to me to be a clear double counting, but it is the sort of things that happens when people broadband a document without paying any attention whatever to the content of it.

This is simply a case of the union trying to do a very simplistic exercise which, frankly in the context of an award as convoluted and as difficult as the Automotive Industries Award with the breadth of coverage that it does have, is not possible.

I don't apologise for the fact that this exercise has taken some time. I agree that it has taken more time than it should, but I don't apologise it has taken some time. It is an extremely complex award, made even more complex by the provisions of section 40 of the Industrial Relations Act.

And just to refresh the commission's memory that's the section of the award - the act - that extends an award beyond its own scope to cover certain classifications in industry generally.

In the case of this award it's extended in respect of two different classifications, they being that of motor mechanic and a small engine mechanic.

So when we restructure this award, whether Mr Baker likes it or not, we have to consider not only the automotive industry itself but the interaction of those classifications in a broader sense across industry generally.

Now that might make the exercise more difficult. If it does, so be it, but we have got to confront the issues as they exist, not as Mr Baker would like them to be.

Now, Mr Baker refers to a letter that I sent to him dated 22 December 1993. I don't intend to refer to it in as broad terms as he did, I will tender it.

I don't apologise for anything contained within it.

COMMISSIONER IMLACH: Is that your first exhibit?

MR EDWARDS: Oh, this has been going longer than 'Blue Hills', commissioner, my memory is not that good.

COMMISSIONER IMLACH: Well, we will call it TCCI - perhaps it was the TCI before this - TCCI.1.

MR EDWARDS: If the commission pleases.

I'll even read the document, commissioner. This is to Mr Phil Baker, Assistant Branch Secretary, AMEU, re Automotive Industries Award:

I am in receipt of your fax correspondence dated 21 December 1993 in which you enclose some 10 pages of detailed proposals to amend the above award and in your covering letter you request comment prior to Christmas.

I must advise that I find the time frame you seek to impose totally unrealistic and unreasonable and I have no intention of seeking to meet it.

Your proposal is also at odds with my understanding of the basis upon which the previous day of hearing of this matter was adjourned, that being for you to achieve commonality of approach between the unions and then to negotiate on the changes with the three employer organisations bound to the Award.

Now that I am in receipt of a proposal that has been forwarded to all parties to the Award I will forward it to TCCI members bound by the Award for their instruction in respect to the proposal. It will not however be possible to receive those instructions prior to Christmas and therefore the time frame you nominate is impossible to achieve. This is even more true in the context of Christmas shut downs and we doubt any meaningful instruction could be received before the mid January hearing you have requested.

Very prophetic.

As previously advised, I will be working between Christmas and New Year and right throughout January and I repeat my previous request that -

- that could perhaps even be in the plural -

- that these matters be discussed and hopefully agreed before we return to the Commission. Your request to Commissioner Imlach would appear to rule out this approach which will probably mean we will not be returning to the Commission with a consent outcome.

I will provide a detailed and formal response to your proposal as soon as possible.

That, commissioner, summarises the position that the TCCI found itself in on the 22 December 1993, and frankly I don't pay much attention at all to the complaining put on the record by Mr Baker.

The position put there in regards to the document that was served on me on 21 December is not a document I had ever seen before, and notwithstanding that Mr Baker seeks to say that the concept or principles were the same as the document served previously I don't circulate to my members concepts or principles.

What I serve on them, or circulate to them for their comment and instruction, is detailed concrete proposals, not concepts, not principles, because they don't deal in concepts or principles, commissioner. You have had your experience out in the real world of industrial relations. People want to know exactly what is proposed, not some highfaluting, airy fairy concept that someone may have dreamed up that they haven't yet put in writing.

Now, notwithstanding that, I then received that further correspondence now before the commission, or partially before the commission by way of U.5, which is a different document again to the one I received on the 21st of December by fax and in a formal sense by mail on 29th of December.

So it's different again. So notwithstanding that I did - as I undertook - circulate to my members the document I received prior to Christmas, I then had to write to them again and say forget what I sent you before; the union's changed its mind again; we've got to do another one, and I've now circulated the revised document. I wonder in respect of U.5 that takes out part of the previous document whether I should circulate it again because it's obviously different again.

Commissioner, the principal problem in respect of finalising the structural efficiency exercise in this award is one matter only, that matter is Mr Baker wants to sit in his office and conduct the so-called negotiations by remote control by a computer. He wants to create paper, send the paper out, that's it, cop it.

What is required in respect to finalising this award is for the parties to do as they agreed last time we were before the commission; sit down and negotiate; talk to each other; real dialogue; it's very foreign to proceedings in respect of this award and has been for several years, but nevertheless, as old fashion a concept it may be, I think those that are making the applications to vary the award might find that it would pay some dividend.

I don't react well to receiving hundred page documents through the mail and I don't make any apology for that. And if that acts to slow down proceedings, then so be it. But if Mr Baker wants to sit down and talk through the issues, then let's do it, but I note his formal proposals before the commission are twofold; the first is that the parties should be directed to conferences chaired by yourself at a time not nominated until finalised and agreed. I note no time frame was nominated. Frankly, I think the parties should first be directed to confer amongst themselves to see if they can't reach agreement. I know you're probably sick of telling the parties for this award, commissioner, but nevertheless, I think that comment would be as appropriate now as it's ever been.

And secondly, in respect of wage rates, Mr Baker seeks a direction from the commission that the supplementary payments and broadbanding exercise commence at a date and that the parties be directed to create draft orders to effect that. That presupposes there's some agreement to the broadbanding exercise and the minimum rates adjustment process to which he refers, and the only way there's going to be agreement is if Mr Baker will sit down and talk about these issues instead of just throwing paper at the parties.

I have great objection to both of the proposals put forward by Mr Baker. In respect of the first, I counter by saying that the parties ought to be directed to confer amongst themselves and I include in that all of the parties, not just those that Mr Baker feels like sending his documentation to. Secondly, in respect of the wage rates issue, it would be premature in the extreme for the commission to start setting operative dates for a process of wage adjustments when the commission doesn't even have yet before it any information on which to make a formal arbitrated decision which is what's being asked for, that what is being put forward by Mr Baker is the correct way for this award to be broadbanded and is the correct way for a new classification structure to be struck for this award.

I put on the record now that if Mr Baker is seeking your arbitration on that point, then I will be seeking substantial inspections in the industry. I will further be seeking a comprehensive work value exercise and I will keep the commission at the arbitration table on these issues until the matter is finalised properly. The alternative to that is for Mr Baker to accept that at some stage or other he is going to have to sit down around the table and talk. Until he accepts that I suspect this award will continue to go nowhere.

There's a couple of things that Mr Baker did say with which I wholeheartedly agree. The first of which is that this award is a joke. There is no doubt it's a joke. It's the laughing stock of the Tasmanian Industrial Commission system. I suspect it's also something of a laughing stock nationally. I don't apologise for that. It is the role of the trade unions to ensure that this award is varied to keep pace with contemporary standards. They do that by sitting down in accordance with the wage fixing principles which are extant at the time and negotiate, not just throwing paper at the parties.

I agree that it is time that this award was changed in a meaningful and proper way, but again, I indicate that will only happen when Mr Baker is prepared to sit down and talk to the parties.

I might add that I have been contacted by two of the union parties to this award of recent days who have both indicated

to me their discontent with the classification structure put forward by Mr Baker, which again I indicate is contrary to what was agreed the last time we were before the commission, that Mr Baker would try and achieve commonality amongst the unions and then come and negotiate with the employers, neither of which has happened which is not surprising. Undertakings are continually given to the commission, as currently constituted, in respect of this award and they're not met because Mr Baker goes off, hits the button on his computer, puts out another draft, sends it out to everyone, and his job's done. Well, frankly, commissioner, that's not the way I negotiate and it's not the way I will negotiate. Mr Baker wants to sit down and discuss these matters calmly and properly in the appropriate way, then I suspect he may get some results, but until then the award will remain as it is now, a joke. If it please the commission.

COMMISSIONER IMLACH: Mr Edwards. Mr Joyce?

MR JOYCE: If the commission pleases, I have a very brief submission to put before the commission this morning. First and foremost, just to confirm hopefully by now - certainly the commission, the AMEU and the TCCI would have received my facsimile from me to Mr Baker regarding what has been tabled today and has subsequently been given the exhibit number of U.5.

On behalf of the TACC, our position is that we'd very much like to make sure that this award and all other awards that we are involved in does remain relevant and for that reason, it's important that we do have firm and frank discussions with all the parties to see if it's possible to have this award changed by consent.

The point I make there is that for that reason I request the AMEU and the parties involved if they could just provide us with documentation as soon as is possible so we can be fully informed and involved in those discussions.

The second point that I would make is in respect to Mr Baker's point about the parent federal award, the federal Vehicle Industry Repair, Services and Retail Award.

It is correct, Mr Commissioner Frawley has handed down his order in this matter on January 1st, 1994 and it was Print L1086.

For the commission's benefit it is perhaps appropriate to advise you that certainly a number of employer associations are preparing paperwork to lodge an appeal against this matter which was foreshadowed by the union to the commissioner previously before the commission.

So, I think it is relevant for the Tasmanian Commission to be aware of that fact.

So whilst the TACC acknowledges it is important this award does remain relevant, it might be premature to say that it will be appropriate to transfer the entire federal classification structure to the State award.

And the third point is that the TACC would welcome an opportunity to discuss these issues amongst the parties, hopefully in conference, and then subsequently, if need be, seek your indulgence to chair a further conference to discuss some of the outstanding matters.

If the commission pleases.

COMMISSIONER IMLACH: Thanks, Mr Joyce.

Before I return to the unions, I just want to make a couple of points, and that is, unless negotiations have taken place between the parties, and I fear that I am repeating myself, but I at this stage am not inclined to move until after the parties have sat down and discussed their agenda over the table.

And it is pretty obvious from what I have heard and from my knowledge of the award that that's quite a heavy and it may be an extended process.

But, nevertheless, I say now it is not my intention to intervene until I know that that has taken place.

And again I fear I am repeating myself, but in that context the prime responsibility for organising those negotiations is on the unions.

And I make the point that if Mr Baker has taken the lead in this matter he carries the primary responsibility and so also do the other unions.

And I think unless there is evidence available to me here today showing that the unions have sought formally and properly to have those negotiations at said times I am not satisfied that they have done so.

So that, until negotiations take place, I repeat I am not inclined to intervene in any form.

Now I say that deliberately. There are a number of reasons for that. It may be that that's my way of doing things, my personality, maybe that's inadequate, but I come back to the principles involved and repeat that the prime responsibility for initiating negotiations is on the head of the unions.

Certainly the employers have a responsibility then to react to those approaches, but until I have got evidence to show that proper requests have been made to the employers I stick with what I say.

Finally, I do accept the words that came from the union advocate that this area appears to be a joke and a farce, but I feel that that epitaph really lies on the unions' heads, and as I say, unless I have got evidence to the contrary as to negotiations I'll stick with that.

But I do make this last point, that if within a short time those negotiations do not get under way we'll have another hearing out of which I will issue an interim decision and I'll put on the record the things I have been saying, because I think it is time, overdue as we all know, that things got moving.

Now, having said all that, have you got anything to add, Mr Baker?

MR BAKER: Well, the only thing I would like to add, Mr Commissioner, is that I'd like to know what I am supposed to talk to Mr Edwards about, because as he says, I send out a lot of paper, and I do. I sent down documents for discussion, and all I get back, and all you hear is like we did today, 10 minutes of criticism.

COMMISSIONER IMLACH: Well, just a minute, Mr Baker, did you send with those documents a formal request for a meeting signed by yourself, and did you then follow that up with a phone call seeking dates for those meetings?

MR BAKER: No, I didn't.

COMMISSIONER IMLACH: Well, Mr Baker -

MR BAKER: I asked for comments.

COMMISSIONER IMLACH: No, I am asking, did you ask the employers for times of meetings so you could discuss the papers sent?

As far as I am concerned the sending of the papers with a copy to the commission is no worry, no problem, it is neither in or out of order. It is a good thing. But if it is not followed up by meetings to go over it, it is a dead duck.

So, that's what I am saying. That's what I expect the parties to do, and it is your responsibility, Mr Baker to call on the employers to get together to discuss the documents you have issued.

MR BAKER: Well, I've spent 13 months doing that.

COMMISSIONER IMLACH: But you've - as I understand it, all you've done is sent the documents, maybe asked for comments on the documents in correspondence, but the point has been made here today and it's been made before, unless you sit down and discuss them you won't get anywhere. And I don't blame the employers for not responding. If you're able to show me letters requesting meetings, tell me of times that you rang the employers trying to coordinate meetings, I'd be ready to jump in on your side, but until that happens I'm not prepared.

MR BAKER: We have a document I tendered here as an exhibit - Draft.7 - and through it has a number of areas where it's got TE to respond. Now those documents - those comments go back to January of last year.

COMMISSIONER IMLACH: Well it's up to you to ask him to meet you to discuss them - that's the point I'm making.

MR BAKER: Well -

COMMISSIONER IMLACH: It's not good enough, Mr Baker, to ask for correspondence in return. You have to meet and discuss them and that point has been made by the employers and I'm taking it up. Unless you meet with them and go over those documents, and I fully endorse them as starting points for negotiations without even looking at them - I endorse for discussion.

MR BAKER: Well, alright.

COMMISSIONER IMLACH: But unless you sit down and discuss, we've got nowhere to go. Alright?

MR BAKER: Well I'll sit down with them, but I'll be back here next month telling you, you know, the same line.

COMMISSIONER IMLACH: Well you know what's going to happen if you do that? I'll issue the interim decision as I see it which will be a black cloud on the unions as far as I'm concerned and I don't want to do that, but I will then sit down and chair a meeting which I don't want to do. I do not think that's my prime responsibility, it's yours, to negotiate at a meeting - to ask Mr Edwards and Mr Joyce to come to a meeting.

And I'm telling you that now if you like or giving instruction, but why should I have to do that?

MR BAKER: It's not getting them to the meetings, Mr Commissioner, it's getting something concrete.

COMMISSIONER IMLACH: Well I'm asking you to get them to the meeting and if you do that, I'm quite happy to intervene afterwards if you don't get anything concrete.

MR BAKER: Well -

COMMISSIONER IMLACH: I think I've said that before. So I think we'll leave it at that, but I make the point if there's no such meeting in the near future, I'll issue a decision - interim decision - as to why there has not been. And I repeat, it won't go down well on the union movement in general.

MR BAKER: Well quite frankly, Mr Commissioner, I must take exception to that

COMMISSIONER IMLACH: Well please do.

MR BAKER: I mean I've spent 13 months trying to get some finality into this award and every time that I get somewhere near - I think I'm getting somewhere - I ran into a brick wall.

COMMISSIONER IMLACH: Well I'm telling you the simple answer.

MR BAKER: And -

COMMISSIONER IMLACH: Simple answer - ring Mr Edwards and say when can we meet, if he doesn't give you a date with a short reasonable time I'll be on to him and have the meeting, but set aside a day or two - you'll need plenty of time on the face of it, but if you do that, Mr Baker, and tell all the others of course, Mr Joyce in particular, I'll be only too pleased to intervene thereafter.

MR BAKER: Alright. Well in conclusion, Mr Commissioner, I'll just pass on the record an apology to Mr Joyce - I've already conveyed it to him this morning - they have become not so much a recent player in the award but should I say they were a silent of the award might have been a more apt way of putting it and they certainly will be advised in the course.

COMMISSIONER IMLACH: Yes. I understand as to Mr Joyce's situation, Mr Baker, that you probably omitted him unwittingly, nevertheless in this business he's entitled to take - take that up and make the point.

MR BAKER: Well let's just hope the Retail Traders Association don't turn up at the next one.

MR ....: You never know your luck.

COMMISSIONER IMLACH: Right. Is there anything else? Well make - I say here that one piece of action is required, it

it's not within - attended to within a month, I'll recall the parties and have a short hearing out of which an interim decision will follow. I hope we don't have to get to that stage.

This matter is adjourned till I hear from the parties.

HEARING ADJOURNED