

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T No. 5296 of 1994

IN THE MATTER OF an application by the
Australian Liquor, Hospitality and
Miscellaneous Workers Union - Tasmanian
Branch for the making of a new award

re the Wholesale Plant Bakeries Award

COMMISSIONER WATLING

HOBART, 27 September 1995
continued from 11/9/95

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER WATLING: Good morning. No alterations to appearances?

MR O'BYRNE: Mr Commissioner.

COMMISSIONER WATLING: Right. Well, who is going to lead off?

MR O'BYRNE: I'll lead off, Mr Commissioner.

5 Obviously since last we met we've come very, very close, we believe, to a document that we have agreed on. There are a few minor things that need to be confirmed with the commission. I will tender the document that we have.

COMMISSIONER WATLING: Right. We'll mark this Exhibit A.1.

10 MR O'BYRNE: To that end, Mr Commissioner, we request that a small conference take place to fill out those minor details.

COMMISSIONER WATLING: Right. No, problems with that, Mr Edwards?

MR EDWARDS: No, commissioner, we'd support that.

COMMISSIONER WATLING: We'll just go off the record then, thanks.

OFF RECORD

15 MR O'BYRNE: Thanks for your assistance with those matters, Mr Commissioner. I will put them on the record so that we are clear where both sides are coming from.

Clause 8 - Wage Rates, there are a few minor changes, and I will put forward an exhibit of the schedule, which is to be confirmed later on today.

20 COMMISSIONER WATLING: Right. This is a minor amendment to Exhibit A.1 - no it is not - it is incorporated in A.1, is it?

MR EDWARDS: Perhaps I might explain, commissioner.

COMMISSIONER WATLING: Right.

25 MR EDWARDS: Exhibit A.2 is showing the next minimum rates adjustment that will be required to the award with effect from 1 October 1996, and really extrapolates on from the rates shown currently in clause 8, which are the rates which will apply until that date.

COMMISSIONER WATLING: Now, we are really talking about the 1st of October, too, aren't we, or is it the first full pay period - which are we talking about?

30 MR EDWARDS: The first full pay period would always be my preference, commissioner.

COMMISSIONER WATLING: The first full pay period. Right. That's for the second and final MRA. Thank you, Mr O'Byrne.

35 MR O'BYRNE: Yes, Mr Commissioner. Also in Clause 10 - Casual and Part-time Employees there are a few minor figures to be confirmed. They will be confirmed with the commission hopefully by about lunch time today. So I seek leave to get in touch with you on that.

Also in regard to Clause 22 - Parental Leave, obviously in your Exhibit A.1 it is a shorthand version of the parental leave. Our preference would now be to place a full clause of parental leave in, and a copy will be forwarded to you some time today, hopefully, Mr Commissioner.

- 5 I will make a comment on one clause. Clause 17 - Higher Duties, and for the record make it clear that it refers specifically to an identifiable position opposed to like a classification or a reclassification or, say, given extra duties is an actual identifiable position - foreman, pay clerk, etc., so it is a position based higher duties clause opposed to adding of duties or a reclassification. Also that is basically the document,
10 as we see it.

I will, for the record, say that this is the first stage in a process that we see will hopefully improve the awards in the baking area, and no doubt that this award we'll be seeking to vary the scope to hopefully bring in other sections of the industry which we deem will be appropriate. So I would like to put that for the record.

- 15 COMMISSIONER WATLING: And the operative date for this award you've agreed?

MR O'BYRNE: The operative date, the parties have agreed to October 9, 1995.

COMMISSIONER WATLING: The first full pay period October 9. Good.

MR O'BYRNE: If the commission pleases.

COMMISSIONER WATLING: Thank you Mr Edwards?

- 20 MR EDWARDS: Thank you, commissioner. It is probably fair to start from the position in saying that I never thought I would actually see the day when I would appear before the commission and be able to indicate that we've actually finalised a new award in the baking industry. I guess the fact that it is only for a proportion of the baking industry salves my conscience a bit in that regard.

- 25 Commissioner, as you are aware, an inordinate amount of work has gone into the creation of this Wholesale Plant Bakeries Award. The parties have applied themselves over a long period of time, commencing at about 1976, with the culmination now being Exhibit A.1, with the minor amendments that Mr O'Byrne has referred to - or minor
30 clarifications that Mr O'Byrne has referred to - relating to the confirmation of the figures - the percentages - in clause 10, and the inclusion of the detailed parental leave provision in clause 22 in lieu of the shorthand version that is contained in Exhibit A.1.

- So the record is completely clear, commissioner, Exhibit A.2 is really advising the commission, so that it might be held on file, exactly what will be done in approximately
35 12 months time, with effect from 1 October 1996 - or the first pay period on or after 1 October 1996 - to complete the minimum rate adjustment process in this award.

COMMISSIONER WATLING: And that's - given that it doesn't take into account any safety net adjustment increases, or anything like that?

- 40 MR EDWARDS: Yes. It could reasonably be expected that an application would be made to incorporate the third arbitrated safety net adjustment before 1 October, in which case these figures would be consequently altered. But the amount of the final MRA I think under those circumstances would remain constant.

- 45 What would change would be actually the final rate that is computed there, and in large measure that is only indicative, anyway, because it is extrapolating out the percentage relativity and doing the calculation. That was just to make it absolutely

clear for the commission and the parties so that there are no arguments down the track, as is normally my wont.

COMMISSIONER WATLING: You haven't got everyone raising to be a level 6, have you?

5 MR EDWARDS: A level 6?

COMMISSIONER WATLING: Yes. That's the biggest increase.

MR EDWARDS: Level 5, I think, commissioner.

COMMISSIONER WATLING: I've got level 6 that's got \$20.20.

10 MR EDWARDS: I apologise, commissioner. It appears that you have got the wrong copy, if I could use that term.

COMMISSIONER WATLING: That's good.

MR EDWARDS: You've got the copy that I typed, and one could reasonably expect there to be errors in it.

COMMISSIONER WATLING: It's unlike you to have the most generous copy.

15 MR EDWARDS: No, it is not, commissioner.

COMMISSIONER WATLING: Lucky your superiors don't sort of know this.

MR EDWARDS: They wouldn't be very pleased.

COMMISSIONER WATLING: I will mark the new A.2, then, and I'll remove the old one from the file.

20 MR EDWARDS: There should only be one copy of that in this room. But if I can just be absolutely certain, commissioner, I will run down the final MRA column.

COMMISSIONER WATLING: Yes. Lucky I made some comment about that, then.

MR EDWARDS: It is, indeed, commissioner.

25 There is a dash on level 1, then \$9.00, 11.20, 10.10, 12.10, 10.20, 10,20, 6.00, 7.20, 9.00, 10.90.

30 Commissioner, we have been through the award in detail at earlier hearings with the commission and, for those reasons, I do not intend to go through the issues that are contained in the award, suffice it to say it has really been a ... branch job on the bakers award which has come up with an award which without the parental leave clause being in it is quite streamlined. I think a 29 page award would be in my view a contemporary standard of an industrial award. But, unfortunately, once parental leave is included it will just about double that.

35 However, having said all of that, I think the provisions in here are now worded in a way that they are far easier for people to understand, and whilst only time will tell whether we have got that form of verbiage absolutely right, I think people will certainly be able to more readily understand and apply the terms of the award. To that effect, I think the work the parties have done has been well worthwhile.

5 It would be our submission that the new award complies with the terms of the wage fixing principles and the public interest test of the Industrial Relations Act, and we make that submission to the commission, and we ask that it be adopted by the commission with effect from the first pay period to commence on or after 9 October of this year.

10 Having made those submissions, commissioner, I would simply add that from our point of view we would like to thank you for your assistance through this process. As you are aware, it has not always been an easy process, and some of the guidance you have been able to offer has been of great assistance to the parties. If it please the commission.

COMMISSIONER WATLING: Good. Is there nothing further? Right. Well, I can indicate to you that I will be finalising this application by endorsing Exhibit A.1, as amended.

15 I will wait on the parties to provide the commission with the final order, given those minor amendments that have been foreshadowed during the course of this hearing, and I hope to have an application to make this perfectly clear that the Bakers Award will not apply to these people covered by the new Wholesale Plant Bakeries Award, and I understand from what's been said I will receive an application to clarify that position today.

20 There's nothing further for the commission to decide or determine, the matter is now closed.

I will hand down a written decision in due course, along with the order. Thank you.

HEARING CONCLUDED