

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T No. 5316 of 1994

IN THE MATTER OF an application by the
Australasian Meat Industry Employees
Union, Tasmanian Branch for the making of
the Meat Industry Award

T Nos. 5505 and 5506 of 1995

IN THE MATTER OF applications from the
Australasian Meat Industry Employees
Union, Tasmanian Branch to repeal the
Abattoirs and Meat Trades Awards

T No. 5524 of 1995

IN THE MATTER OF an application by The
AWU-FIME Amalgamated Union,
Tasmanian Branch to vary the Poultry and
Game Products Processing Award

re rescission of award

COMMISSIONER WATLING

HOBART, 9 June 1995
continued from 2/3/95

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER WATLING: I'll take appearances please.

MR J SWALLOW: SWALLOW, J. AMIEU.

COMMISSIONER WATLING: Appearing in all matters Mr Swallow?

MR SWALLOW: Yes, sir.

5 **MR G. COOPER:** If the commission pleases, COOPER G. I appear on behalf of the AWU-FIME Amalgamated Union and I appear in the matters of making of the meat award and rescission of the Poultry, Game Products Processing Award.

COMMISSIONER WATLING: Good, thank you.

10 **MR A.J. GRUBB:** If the commission pleases, GRUBB, A.J., on behalf of the Australian Municipal, Administrative, Clerical and Services Union appearing in relation to T.5505 and 5506 and seeking leave to intervene in T.5316.

COMMISSIONER WATLING: Right. And the reason for the intervention in the -

15 MR GRUBB: Principally the reason for the intervention is a watching brief, Mr Commissioner, as the effect of repealing the two awards may have a varying impact on membership within other award covered areas.

COMMISSIONER WATLING: Good. Any objection - oh - I'll take the rest of appearances first.

MR P.E. TARGETT: Thank you, commissioner. TARGETT, P.E. from the Tasmanian Chamber of Commerce and Industry.

20 **MR M.D. FLYNN:** Mr Commissioner, FLYNN, M.D., for the Meat and Allied Trades Federation of Australia - Tasmania Division. We appear in the matter of the Meat Industry Award and the two repeals of the Meat Trades and Abattoirs Award.

COMMISSIONER WATLING: Good, thank you.

25 **MR K. RICE:** If it please the commission, RICE, K.J. I appear on behalf of the Tasmanian Farmers and Graziers Employers Association, sir, in respect of matter T.5524 - the rescission of the Poultry Processing Award, sir.

COMMISSIONER WATLING: Good, thank you. Right. Any objection to the intervention by Mr Grubb?

MR TARGETT: I have no objection, sir.

30 MR: No objections, sir.

COMMISSIONER WATLING: No objections - leave granted, Mr Grubb,

MR GRUBB: Thank you.

35 COMMISSIONER WATLING: The first matter we will deal with today will be the finalisation of the making of the Tasmanian - of the Meat Industry Award - the Tasmanian - the Meat Industry Award, so who wants to lead off, and is there agreement, disagreement, or where are we heading?

MR SWALLOW: Well, Mr Commissioner, may I - we've gone a fair way since we last met last Friday and I - having in mind what you indicated regarding the levels, I - I

5 give that a lot more thought also and it just seemed to me the more I thought of it the more instead of being a union secretary the more I felt like a kamikaze pilot and in that regard I didn't feel inclined to go and explain to our lower paid workers that the first two rounds of the MRA, one in the abattoir section owed \$5 and the lower paid in the Meat Trades Award gained \$2. So I gave it a bit more thought and I've picked a point that you made when I indicated -

COMMISSIONER WATLING: Well I haven't made any points in this matter at all.

MR SWALLOW: Well I picked up a point that was made then during discussions -

10 COMMISSIONER WATLING: If you're referring to a private conference, it's a private conference and a 'no prejudice' conference - thank you.

MR SWALLOW: Well - well - the point I make then is that I accept that there ought to be one trades rate and it meant a reduction from the slaughterman's to the trades level and I accept that and we indicated that there'd be measures undertaken to rectify that.

15 The next matter was that given that there should be only one trades rate we had a - we had a boner/slicer/trimmer in level 3 and we've got a boner - a precision boner - in level 4 and they are in fact one and the same person - they do the same things. So the problem I've got at the moment is the boner/slicer/trimmer remaining in level 3, because I believe it should be in level 4 and if it was it would make way for the lower
20 classifications to at least gain some sort of increase if they were put in level 3 and that's the problem I've got. So until such time as that's resolved -

COMMISSIONER WATLING: So is this an application for adjournment?

MR SWALLOW: Yes.

25 COMMISSIONER WATLING: Righto. Well you understand that it may be some time before it comes back on.

MR SWALLOW: I - I - I well understand that, Mr Commissioner. I well understand that.

COMMISSIONER WATLING: Righto. This application for adjournment - any - any submissions for or against?

30 I'd have to say that if the adjournment is granted and the matter isn't progressed any further on the next occasion then I'd be willing to receive an application for the rescission of the new award. Mr Targett?

35 MR TARGETT: Commissioner, I wasn't aware prior to this moment that Mr Swallow intended to seek - or make application for an adjournment of these proceedings so it does catch me out a little bit, but certainly on behalf of the TCCI we don't join in the application for the adjournment that's been sought by Mr Swallow.

40 Certainly since the last conference on these proceedings there have been further discussions and a meeting took place between myself and Mr Swallow in an attempt to try and sort out a number of issues that we were still apart on, and I believe that the meeting that took place between us was, to say the least, constructive. I thought we had certainly made some progress as a result of that meeting. I did advise Mr Swallow by phone this morning the number of concerns that he had raised with me through that meeting process. I had gone back to the people that instruct me and certainly I believe we've made significant progress in that we were able to accede to a number of

the matters that he'd sought to have fixed because of the problems he sought, and we accepted his position in relation to those.

5 Once again during that conversation that I had with Mr Swallow this morning he did raise a further matter which we hadn't previously discussed and that was the question of the - I don't wish to put words into Mr Swallow's mouth so I'll paraphrase - and underline I am paraphrasing - he had further concerns about the low paid workers in the award and I believe from the conversation his concerns revolved around the classifications which in all of the discussions and documentation that had been provided to date essentially had people at level 2 in the lower classifications in a structure which the TCCI had been putting forward.

10 Mr Swallow had further concerns about those people either throughout the MRA process receiving insufficient wage increases in his view, or none at all. And in some cases as he's indicated before you this morning he believed that some in fact would be translating to a classification with a lower wage rate than they already currently have in the awards.

15 COMMISSIONER WATLING: Yes, but everyone knows that they wouldn't receive a lower wage rate because of the -

MR TARGETT: Yes, and I accept that comment.

COMMISSIONER WATLING: It might be on paper only.

20 MR TARGETT: I accept that comment, commissioner. We did attempt from our side to address those classifications that in fact would translate to a classification lower than currently they hold within the award, by through the conference process offering to move all of those people up one level to try and accommodate that problem. Admittedly in that process there were some people who would only receive a marginal increase throughout the MRA process of two or three or four dollars or whatever the amount was.

30 Once again Mr Swallow did advise me he was also concerned about that being insufficient and I accept his concerns in good faith and on face value. I did suggest that perhaps one avenue of trying to address that particular issue would be discussing whether we could move the percentage relativity that we had allocated in our proposals for level 2 which in our proposals were at 82 per cent - whether we could look at maybe moving the percentage on that level to try and overcome some of the concerns which would increase the actual wage increase that those people may receive.

35 It appears that from what comments have been made this morning that sort of an approach isn't acceptable and as a result of that this adjournment is sought.

It concerns me that the matter could be prolonged to a substantial degree. Certainly.

COMMISSIONER WATLING: Oh, it will, I want to assure you it will be.

MR SWALLOW: Don't you bet on it.

40 MR TARGETT: I don't - from my perspective on behalf of the TCCI, I don't wish to see the matter drag on. I'd like to get it finalised. And I certainly made the point to Mr Swallow when I spoke to him a couple of nights ago that I would just like to see the thing over and done with. Yes, there are some problems that perhaps still need to be sorted out. We would like to try and address those issues. But at this stage I'm certainly in the hands of the commission as to where we go from here.

5 COMMISSIONER WATLING: Well there's an application for an adjournment. One or two things could happen. You could see whether you in a short period of time today could sort them out or the matter would be adjourned sine die. That's the options. And I have to say that I have an extremely full calendar - extremely full. And we're trying to get two hearings in a day and all sorts of things and we just haven't got the time to spend on it.

10 I personally have spent a lot of time with the parties in conference on the issue but now it's come to the stage where the parties need to progress it themselves. But if you think there's any mileage in having a short adjournment this morning to see if you can sort out a couple of things well I'm happy to go along with that, but if it's adjourned it will be adjourned sine die.

MR TARGETT: I accept your comments, commissioner, and I guess the question of whether there is or isn't any value in a short adjournment today really is in the hands of Mr Swallow as opposed to - as opposed to

15 COMMISSIONER WATLING: Well is there any mileage in me giving you a - sort of a 10 minute adjournment to see whether or not there's - you want a short adjournment this morning to consider these things or do you want to proceed directly for me to adjourn the matter sine die?

MR SWALLOW: Oh, if you give us 10 minutes - quarter of an hour please.

20 COMMISSIONER WATLING: Righto. Well we'll adjourn. We'll reconvene 11:00 - a quarter past 11:00. Eleven - quarter past.

MR SWALLOW: Yes, quarter - 10 or quarter past - ten past, sir.

COMMISSIONER WATLING: Righto. We'll adjourn till 10 past.

SHORT ADJOURNMENT

25 COMMISSIONER WATLING: Well we're back together. I suppose we need to consider whether or not the matter will be adjourned. Any further submissions?

MR TARGETT: Well I'd make it - from the point of view of a brief report, commissioner -

30 COMMISSIONER WATLING: Well we have an application for us to adjourn at the moment.

MR TARGETT: As you wish.

COMMISSIONER WATLING: Do the parties want the - do you want to continue with your adjournment, Mr Swallow?

MR SWALLOW: Yes, sir.

35 COMMISSIONER WATLING: Righto. Any opposition to the adjournment apart from Mr - any other speakers? Righto. This matter then is adjourned sine die.

HEARING ADJOURNED SINE DIE