

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T Nos 226 and 227 of 1985

IN THE MATTER OF an application
by the Australian Workers'
Union, Tasmania Branch to vary
the Agriculturists and
Horticulturists Awards

re scope and title

T Nos 1799, 1801, 1811 and 2012 of 1989

IN THE MATTER OF applications
by the Federated Engine
Drivers' and Firemen's
Association of Australasia,
Tasmanian Branch; the
Amalgamated Metal Workers'
Union; and the Food Preservers
Union of Australia (Tasmania
Branch) pursuant to section 65A
to vary the Poultry, Game and
Marine Products Award

re parties and persons bound

COMMISSIONER WATLING

HOBART, 10 July 1989

TRANSCRIPT OF PROCEEDINGS

(RESUMPTION)

COMMISSIONER WATLING: I will ask for appearances, and I want to know who is appearing in what matters, so just think about it before you announce your appearance. If you are seeking to intervene, well, you state your intervention. But just so we get it right for the record. Ms Moncrieff?

MS MONCRIEFF: May it please the Commission, **DIANE MONCRIEFF** for the Federated Engine Drivers' and Firemen's Association of Australia.

COMMISSIONER WATLING: Right, and you are appearing in relation to what applications?

MS MONCRIEFF: To the FEDFA's application.

COMMISSIONER WATLING: For the parties and persons bound for the Poultry, Game and Marine Products Award?

MS MONCRIEFF: And preference, yes.

COMMISSIONER WATLING: Right, that is application 1799. Is that your understanding?

MS MONCRIEFF: Thank you, yes.

COMMISSIONER WATLING: Good, thank you.

MR HARDING: Sir, **HARDING D** appearing on behalf of the Amalgamated Metal Workers' Union appearing to have the award amended, for the parties bound to the award.

COMMISSIONER WATLING: So you are appearing in relation to application 1801?

MR HARDING: Yes, sir.

MR TREHARNE: Sir, if the Commission pleases, I appear for the Food Preservers Union of Australia, **TREHARNE N.** in relation to the application for parties bound and preference of unionists.

COMMISSIONER WATLING: Right, so it is application T.1811.

MR TREHARNE: That's correct, I think, sir. That's correct.

COMMISSIONER WATLING: Thank you.

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APPEARANCES

MR HANLON: HANLON D.P. I appear for the Australian Workers' Union in matters T.1799, T.1801, T.1811 and in regards to matters T.226, 227 and T.2012 of 1989.

COMMISSIONER WATLING: Good, thanks, Mr Hanlon.

MR EDWARDS: If it pleases the Commission, EDWARDS T.J. I appear for the Tasmanian Confederation of Industries and the Tasmanian Farmers and Graziers Industrial Association. I think it is in respect of all matters. I did note that applications T.1801, 1799 and 1811 were called under section 65(a) of the Act. I am just not certain whether an employer organisation gets heard in respect of those matters in respect of an employee organisation's application ...

COMMISSIONER WATLING: No, you don't usually ...

MR EDWARDS: ... but it is an application to vary the award.

COMMISSIONER WATLING: ... probably wouldn't usually, but it would be an application to see whether they had an interest or not in that award and ... But I know what you are telling me. You certainly appear in all the others and your position in relation to parties and persons bound under that section of the Act may be somewhat dubious.

MR EDWARDS: Your submission is most eloquent, sir. But I believe them to have been applications to vary the award, in which case I would be heard. I wasn't aware that they were under 65A, which may put a slightly different complexion on it. So perhaps I will adopt a watching brief for the present.

COMMISSIONER WATLING: Yes, good, thank you.

MS MONCRIEFF: If I may, sir, just so that I can be quite clear. The matter that I am appearing in is the only one that I

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APPEARANCES - COMMISSIONER WATLING -
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MS MONCRIEFF:

was aware of. I have, at a late date, heard by way of speaking to Mr Treharne from the Food Preservers, that there is another application, which may be one of those listed - I am not aware of the total background of them - to hive off the poultry industry from this particular award.

I think that I should say, sir, that in looking at the interests that we wish to claim in the Poultry, Game and Marine Products Award, that there has been a history of coverage - I am not going to speak to it now; I am just speaking briefly, sir - in the poultry industry as well.

And whilst I have indicated that I am appearing only in matter T.1799 of 1989, I would have to confess, sir, that I am not fully aware of how I am affected by the other applications and indeed, if our interests would extend that far, and that I should be intervening.

COMMISSIONER WATLING: Right. Well, I think the best idea might be to see how it unfolds.

MS MONCRIEFF: Thank you.

COMMISSIONER WATLING: I see we have got a newcomer, Mr Hansch. It is not superannuation, Mr Hansch.

MR HANSCH: No, I realize that, Mr Commissioner. Perhaps if I could put in an appearance, Mr Commissioner.

COMMISSIONER WATLING: Yes, in relation to what? I know you are here, but ...

MR HANSCH: In relation to T.226, T. 2012, 1799, 1801, 1811 and 227.

COMMISSIONER WATLING: So all of them?

MR HANSCH: All of them.

COMMISSIONER WATLING: Good, right.

MR TREHARNE: Before you proceed, Mr Commissioner,

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MR TREHARNE:

just a point of clarification from my part. My understanding of the situation with either making of a new award or the dividing up of the awards ... as a result of a telephone conversation from an officer from our organisation, I think to yourself, I was led to believe that this matter would only be on for mention today.

COMMISSIONER WATLING:

Well, it is not on for mention. That is not what I told the person that rang from your office. When the person from your office rang, I said that we will be finding out where we're at at this moment with these applications. There are three of them have been before us for at least 2 to 3 years.

COMMISSIONER WATLING: It's nothing new. However, I did say that the likelihood of us going through to finality on this matter today was very remote.

MR TREHARNE: I understand.

COMMISSIONER WATLING: So, that's the situation. But of course I'm still only taking parties and persons bound, so it might be inappropriate to raise all these things at this time.

MR TREHARNE: Thank you.

COMMISSIONER WATLING: Let alone a conversation between me and your federal official, whoever he was.

Now, I think what we might do is just go off the record now we've taken appearances, just to get the order of this matter straightened out of where we're going to head today and what we're going to do.

...

COMMISSIONER WATLING: What I am going to do is, after having private discussions with the people here today, I'm going to adjourn application 1799 made by the FEDFA as well as application T.1801 made by the AMWU to look at the question of parties and persons bound to the Poultry, Game and Marine Products Award and whether or not they should be party and persons bound to that award.

I will also adjourn application 1811 made by the Food Preservers Union, not in relation to the parties and persons bound clause because they're already parties to it, whether or not the preference for unionist clause should be varied and I will hear argument on those questions at a later date.

I will get my associate to liaise on appropriate dates and when the Commission has free time and day to hear these matters. So, those

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COMMISSIONER WATLING - TREHARNE

COMMISSIONER WATLING: applications, for those reasons, are adjourned sine die.

In relation to applications T.226 of '85, 227 of '85 and 2012 of 1989, I'd like a report on those matters please?

MR HANLON: Well, discussions have been going on between the various parties and as a result of those discussions, we would be seeking to have 2012 joined together with the Agriculturists and the Horticulturists applications so the matters are all dealt with at the same time and date.

COMMISSIONER WATLING: So it was heard simultaneously.

MR HANLON: Yes.

COMMISSIONER WATLING: Or heard separately.

MR HANLON: Separately, at the same time.

COMMISSIONER WATLING: Yes.

MR HANLON: So that the consequential decisions of one affecting the other will be dealt with with a knowledge of the Commission and the parties.

COMMISSIONER WATLING: Right.

Is there any objection to that?

MR EDWARDS: No objection, Mr Commissioner.

COMMISSIONER WATLING: Well, we will so join those, only for the purpose of consistency so we know what we're doing in the three areas as they're very much overlapped and in view of the previous decision I made in relation to these matters.

Now, in relation to the making of a new award, we will need to set a date. In relation to the discussions of the parties of the Agriculturists Award, will we receive some report on that at some stage?

MR HANLON: Mr Commissioner, I think what we wanted was to just make certain the

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COMMISSIONER WATLING - HANLON - EDWARDS

MR HANLON: matters were all before the Commission.

COMMISSIONER WATLING: Right.

MR HANLON: I don't think we would be ready just yet to proceed, but that's just because a couple of conferences haven't occurred.

COMMISSIONER WATLING: Right.

Would you want the making of the Fish and Marine Products Award brought on first?

MR HANLON: Yes, Mr Commissioner.

COMMISSIONER WATLING: Because as stated, earlier, what I would be doing in this area is to discuss and finalise a few points right from the start and that would be, firstly, whether there should be a making of an award; secondly, the name of the award; thirdly, the scope and the fourth question of the parties and persons bound.

I will determine those matters first up and then the content of the award, wages and conditions, classifications etc. would be looked at after I handed down my decision on the ... not preliminary matters, but probably the most important matters, those fundamental points.

So, you would be happy with that arrangement?

MR EDWARDS: Yes, sir.

MS MONCRIEFF: Yes, sir.

COMMISSIONER WATLING: Right. Now, is there any time frame?

Well, I'll adjourn it sine die and I'll get my associate to liaise with the principal parties.

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COMMISSIONER WATLING - HANLON -
EDWARDS - MONCRIEFF

MR EDWARDS:

Mr Fitzgerald from our office has been dealing with the Fish matter and I'd prefer he continue with that one.

COMMISSIONER WATLING:

Right. Well, we'll adjourn these three matters sine die, with the understanding that we're going to look at applications T.2012 in the first instant. We now stand adjourned.

HEARING ADJOURNED