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## **TRANSCRIPT OF PROCEEDINGS**

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O/N 0075

### **TASMANIAN INDUSTRIAL COMMISSION**

**COMMISSIONER T.J. ABEY**

**T No 10742 of 2003**

**T No 10764 of 2003**

**T No 10782 of 2003**

### **METALLIFEROUS MINING AND PROCESSING AWARD**

**Application pursuant to the provisions of  
section 23(2)(b) of the Industrial Relations Act 1984  
by the Australian Workers Union, Tasmania Branch  
to vary the above award re the inclusion of further  
provisions**

**HOBART**

**9.30 AM, MONDAY, 19 JANUARY 2004**

**Continued from 5.9.03**

PN100

THE COMMISSIONER: Yes. We are on the record at the moment. What is the position, Mr Flanagan and Mr Fitzgerald?

PN101

MR FLANAGAN: Thank you, Commissioner. I wonder if I can with these  
- - -

PN102

THE COMMISSIONER: Julie?

PN103

THE COMMISSIONER: Sorry?

PN104

THE COMMISSIONER: Can you - - -

PN105

MR FLANAGAN: Sorry, can you hear me?

PN106

THE COMMISSIONER: Oh yes, it will be right, yes.

PN107

MR FLANAGAN: Yes. Okay. Well, look, I guess the last time when there was anything substantive put on the record was when the union provided a document titled AWU1 and in that document there was indicated those areas where we believed we had in-principle agreement and those areas where we believe further discussions needed to occur. Subsequent to that there was a meeting by the members of the Australian Mines and Metals Association which led to Mr Fitzgerald sending a position to the union, the AWU, on 22 October and in that correspondence by email Australian Mines and Metals identified its position in respect to a significant number of matters.

PN108

What hasn't occurred since that date is there hasn't been any further discussion. I think that from the union's perception or perspective probably what needs to occur is a further meeting with Australian Mines and Metals to work through their position paper in terms of its impact by AWU1, what matters remain agreed, what matters were agreed but no longer are following the consultation with the employers, and what matters we will need the assistance of the Commission with.

PN109

Given the very long history of the matter and the best endeavours of the party last year to try and timetable some conclusion to it, from my perception perhaps the best way forward is if we were to have a further report back in approximately a fortnight's time, that those discussions actually take place between now and then and then identify at that report back where the parties are at in relation to specific items so we can say, for example, definitions remains agreed or there is a need for an arbitration on a particular point.

PN110

It seems to me that that might be the best way forward and it will come out of those discussions, the extent of site inspections or evidence that people would need to call and it may be that a process of conciliation might be able to further reduce the disagreed areas as well.

PN111

THE COMMISSIONER: Yes.

PN112

MR FITZGERALD: Well, I think that fairly sums it up, Commissioner. I know this has been long and painful, the process, over the years, over the decades but I suppose with limited resources both the union and ourselves, you know, you apply the priorities as you see them and when there are industrial matters on at the time you must apply those before these, but that doesn't mean to say we are not placing it in any degree of importance. I, as Mr Flanagan indicated, I put a comprehensive position to the union on 22 October and I suppose we are still waiting on a response on that.

PN113

I must admit whether there was some communication break down or not, but I actually had in my diary program last week a meeting with the union but the union didn't have the same meeting so that didn't occur, but I thought the process was that the meeting - that meeting was going to occur, then we would come back to you to report on progress and report on matters which needed to require your assistance with conciliation identify matters going to arbitration but you know, as I said, I suppose we have done our part to this point, at least. You know, I convened a meeting in Queenstown, would have been in about September, I think - yes, it was, 16 September, and I apologised for the delay but there was a bit of delay in getting the final position to Mr Flanagan, but other matters have taken over I think, from both points of view but I suppose 2004 is another year and we should, as we did last year, try to bring this matter to conclusion.

PN114

We are certainly not wanting to delay it any longer. It would be nice to know on all counts what the award is and what the legal obligations are. At the moment that still remains unclear so we are happy to commit to some sort of further meeting with the union whenever suits them and suits us and I suggest as Mr Flanagan indicated, a further report back to you and maybe conciliation is the next stage on some of the issues which might be problematic.

PN115

THE COMMISSIONER: I certainly understand the positions of the position the parties find themselves in and competing interests. I would say that I have declared 2004 the year of the Metalliferous Mining and Processing Award. Let us see if we can achieve that. We will go off the record.

**NO FURTHER PROCEEDINGS RECORDED**

**[9.42am]**