

TASMANIAN INDUSTRIAL COMMISSION
Industrial Relations Act 1984

T Nos 5455 of 1995 and 6585 of
1996

IN THE MATTER OF applications by the
Automotive, Food Metals, Engineering,
Printing and Kindred Industries Union to
vary the Automotive Industries Award

re restructuring of the conditions
component of the award; and the insertion
of the Supported Wage System clause

PRESIDENT

HOBART, 31 October 1996
continued from 17/10/96

TRANSCRIPT OF PROCEEDINGS

Unedited

PRESIDENT: No further, or any change in appearances, to report?

MS A. McKEOWN: If the commission pleases, I'm appearing for the Australian Municipal, Administrative, Clerical and Services Union, McKEOWN, A.

5 PRESIDENT: Yes, thank you. Should we have had 6267 in there, or is that over? That's the one that's partly dealt with, isn't it? Divisions F and G.

MR BAKER: I thought those matters had been resolved.

PRESIDENT: If that's the way the parties think, then let's close the file -

MS McKEOWN: We're dealing with that now.

10 MR BAKER: No, that's F and G.

MS McKEOWN: G is deleted.

MR BAKER: G has been -

PRESIDENT: Deleted.

MR BAKER: And we certainly did that on the record at the last hearing.

15 PRESIDENT: And F is only partly -

MR BAKER: And F is finalised because - well, I beg your pardon - it's finalised in so far as the allowances have been updated -

PRESIDENT: Adjusted.

MR BAKER: But the actual rewriting of the provision remains to be done.

20 PRESIDENT: And that'll be dealt with under the other two applications?

MR BAKER: So, whether, sir, it may be preferable if you simply close that file and let us proceed to rewrite that as part of 5455 -

PRESIDENT: Yes. Good. I think that's sound enough for me. As long as we all understand which way we're going to do it.

25 Good. Okay. You've got to report progress. You've been working hard all day and it's now 4.15.

MR BAKER: Yes. We're two hours late from our timetable but nevertheless, sir, I am able to report that considerable progress indeed has been made today. All the parties certainly did so in a spirit of cooperation, which I've got to say is
30 the first time I've actually seen such cooperation in the three year's I've been trying to attempt to have this award rewritten and I thank the parties very much for their cooperation today.

I do believe that we are approaching a position whereby we will have a document which will all but be agreed on by consent basis and to that end, we
35 have in fact scheduled a further meeting of the parties for 25th of next month. In the meantime, the organisation to which I am employed needs to undertake to do some more work on the draft order, which was exhibit B in this matter and that document -

PRESIDENT: Exhibit B?

MR BAKER: B.2, sir.

PRESIDENT: Yes.

5 MR BAKER: We need to do some more work in so far - as a consequence of our discussions today in relation to our understanding of the agreement, where we're at at the present time. I think we are far more clearer as to the intent of the parties and the application, and certainly the clauses as they relate to now new divisions of the award, whereas previously they may have only related to one or two provisions of the award.

10 We still do have, in my opinion, some problems in the application of the award, in so far as it relates to the whole of the award, as opposed to some people, and we may need to have a discussion with yourself about that later on. But nevertheless, I am confident that we can arrive at a document which will be all but completed and as I've indicated to you, sir, on the previous time we were
15 before you, it's certainly our intention to get as far down the track with that as possible and if there are any matters - hopefully there won't be, but there may well be one or two matters at the end of the day that may require your assistance and whether that's done by arbitration or some other means, then that may need to be sort of attended to and we need to sort of wrap it up.

20 As I've indicated, sir, it's been a very profitable day and I am confident that by the 25th of next month we in fact should have a document very close to being able to hand it up to yourself, or to the bench, I should say, as a new order for the Automotive Industries Award and we can have a document that people can readily look at and find things readily and be content that what they are
25 looking at is in fact what they ought to be and don't get hung up by - there's another provision later on in the award that contradicts what is already being stated.

It was also useful today that we, sort of, unfortunately or fortunately, found things in here which we'd all sort of missed on the first time through, so we
30 picked those up as well. So, that's where we're at and we will be back here on the 25th to have a look at the reworking of exhibit B.2 and see where we go to from there.

PRESIDENT: Right. Very good. Is there anything to add from any of the other parties? Mr Noonan?

35 MR NOONAN: Only Mr President, if we could use your conference room again on the 25th and would you be available that afternoon in case we can reach agreement on all matters so that we could come back before you?

PRESIDENT: I see. I'd better have a look at my diary. As long as it is no later than 4.00. I need to leave here by 4.00, for personal reasons, which I must not
40 avoid, otherwise I'm dead.

MR BAKER: I completely understand that.

MR NOONAN: Perhaps, Mr President, if we could report to you during the day and then if we can get some finalisation, say, early afternoon, we could ask you to reconvene these proceedings.

45 PRESIDENT: Yes, certainly. I'll make sure that I'm here on the 25th and not scheduled away.

In terms of whether or not the conference room will be available, it will depend I guess, to what extent there are other parties here on that day. So, we'll have to check the lists on that. We might do that later, after this hearing, and I'll have a look at it for you and see what we can do.

5 Okay. Well - Ms Thomas?

MS THOMAS: Could I just make a brief comment. I would first like to extend our organisation's appreciation to you, Mr President, for your patience today in allowing the parties to conduct the drafting conference for the duration of the day. It's much appreciated and also, I would confirm Mr Baker's comments, in
10 saying that there has been considerable progress made today. There are a couple of items however that we will be seeking instructions from our members on prior to the 25th in order to facilitate what occurs on the 25th.

PRESIDENT: Yes. Good. I take it that's the case with all organisations. Each of you know which of the clauses that are going to cause trouble.

15 Okay. That means you will all be forearmed as to what you need to do for the 25th.

MR BAKER: Yes. I think it is relevant and it's very handy for us to know that you will be around on the 25th because I think if we've got a blockage, so to speak, it may be appropriate if we were to come back before you and express
20 any sort of concerns.

PRESIDENT: Well, we might be able to do that in conference if we don't have any formal facilities available.

MR BAKER: Well, whatever. Yes.

PRESIDENT: Okay. Very good. I'll adjourn you into conference on 25
25 November. That's the simplest process - to take place here if that room is available. Thank you.

HEARING ADJOURNED