

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.2146 of 1989

IN THE MATTER OF AN
APPLICATION BY THE TASMANIAN
TRADES AND LABOR COUNCIL TO
VARY **ALL PRIVATE AND PUBLIC
SECTOR AWARDS AND AGREEMENTS**
TO INCREASE WAGE RATES AND
ALLOWANCES GENERALLY AND TO
REVIEW THE WAGE FIXATION
PRINCIPLES

AND

T.2147 of 1989

IN THE MATTER OF AN
APPLICATION BY THE BUILDING
WORKERS' INDUSTRIAL UNION OF
AUSTRALIA (TASMANIAN BRANCH)
TO VARY THE **BUILDING TRADES
AWARD** RE BASE RATE FOR
TRADESPERSON IN DIVISION A.
AND TO INCREASE WORK RELATED
ALLOWANCES

AND

T.2152 of 1989

IN THE MATTER OF AN
APPLICATION BY THE TASMANIAN
PUBLIC SERVICE ASSOCIATION TO
VARY **NOMINATED PUBLIC SECTOR
AWARDS AND AGREEMENTS** RE
SALARIES, ALLOWANCES AND
AWARD RESTRUCTURING

AND

T.2167 of 1989

IN THE MATTER OF AN
APPLICATION BY THE TASMANIAN
TEACHERS FEDERATION TO VARY
NOMINATED AWARDS TO INCREASE
SALARIES AND SALARY-RELATED
ALLOWANCES

CONSEQUENT ON THE DECISION OF
THE AUSTRALIAN INDUSTRIAL
RELATIONS COMMISSION IN THE
NATIONAL WAGE CASE DECISION
OF 7 AUGUST 1989

FULL BENCH

PRESIDENT
DEPUTY PRESIDENT
COMMISSIONER GOZZI
1989

HOBART, 15 November

TRANSCRIPT OF PROCEEDINGS

(RESUMPTION)

PRESIDENT: Are there any alterations to appearances?

MISS BACKHOUSE: **MAY BACKHOUSE** appearing for the Tasmanian Teachers Federation.

PRESIDENT: Thank you, Miss Backhouse.

MR GRUBB: **GRUBB A.J.** on behalf of the Federated Clerks Union of Australia, Tasmanian Branch.

PRESIDENT: Mr ...?

MR GRUBB: Grubb.

PRESIDENT: Oh, thank you, Mr Grubb.

MR BROUGH: If the Commission pleases, **MIKE BROUGH**, Tasmanian Technical Colleges Staff Society.

PRESIDENT: Thank you, Mr Brough.

MR HARDING: Sir, **HARDING D.** appearing on behalf of the Amalgamated Metal Workers' Union.

PRESIDENT: Thank you, Mr Harding.

MR CUSHION: If the Commission pleases, **CUSHION D.A.** for the Musicians' Union of Australia.

PRESIDENT: Thank you, Mr Cushion.

In our supplementary decision of 9 November at page 18, item 10, we indicated that it was our intention to reconvene today for the purpose of taking commitments to the principles that we had earlier announced would apply from 30 October.

Mr Bacon, are you in a position to give commitments on behalf of organisations?

MR BACON: Yes, Mr President, I am in a position to give a commitment on behalf of a large number of unions. There are also some who are present and would wish to speak for themselves, but before I go through those, it's the

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APPEARANCES - PRESIDENT - BACON

MR BACON:

wish of the unions to make a short statement on the transcript prior to giving the commitment which is in line with the position that the ACTU has ... and unions federally have taken.

It follows on from what Mr Lennon said in his original submissions to the Bench back on 21 September when he indicated that a claim will be lodged in May of 1990 seeking an increase from 1 September 1990 to adjust wages in line with movement in prices.

And what we would like the Commission to take note of is our position that in giving that no extra claims commitment, the union movement cannot honestly give an open-ended undertaking not to make extra claims until the end of a review process designed to begin in September.

It therefore makes it clear that the ACTU and, flowing from that, the TTLC, intends to make a claim based on the adjustment of wages in line with prices in May 1990. It intends to seek a wage increase for all workers operative from 1 September 1990.

In recognising that the Commission will be reviewing the system, the unions expect that both unions and employers have the right to be involved in the process of review.

Now, having said that, the unions which I represent are prepared to give the commitment as required - to no extra claims - as required by the Commission.

The unions who I have authorisation in writing to make the commitment on their behalf and to hand up to you their commitment in writing are as follows: The Amalgamated Metal Workers' Union; The Ambulance Employees' Association of Tasmania; the Bakery Employees' and Salesmen's

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BACON

MR BACON:

Federation; The Hospital Employees Federation; the Tasmanian Catholic Education Employees' Association; Tasmanian Institute of Superintendents of Education Association; the Tasmanian Prison Officers' Association; The Marine and Harbour Trust Employees' Association; The Association of Professional Engineers, Australia; Tasmanian Registered Teachers' Association; United Sales Representatives and Commercial Travellers' Guild; the ... I'm just taking care to make sure we get the correct name of these unions, Mr President.

The Tasmania Branch of the Australian Hairdressers, Wigmakers and Hairworkers Employees' Federation; the Association of Draughting, Supervisory and Technical Employees, Tasmanian Branch; The Australian Workers' Union; the Australian Theatrical and Amusement Employees Association; The Federated Furnishing Trades Society; Vehicle Builders Employees Federation; The Operative Painters and Decorators' Union; Australian Railways Union; the Australasian Society of Engineers; The Australian Timber Workers' Union; the Merchant Service Guild; The Australian Building Construction Employees' and Builders Labourers' Federation, Tasmanian Branch.

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BACON

MR BACON:

We've got a mystery one here. I think it's a typo.

It's the Federated Clerks Union. The way it's written is FUC - it threw me into total confusion.

We'll move on. The Heads of Tasmanian Government Organisations Association; the United Firefighters Union; The Health and Research Employees' Association of Australia; The Australasian Meat Industry Employees Union; the Transport Workers' Union; The Amalgamated Society of Carpenters and Joiners; The Building Workers' Industrial Union; The Operative Plasterers and Plaster Workers' Federation; the Shop Distributive and Allied Employees' Association; The Amalgamated Footwear and Textile Workers' Union of Australia; The Food Preservers Union; The Federated Ironworkers' Association; the Tasmanian Technical Colleges Staff Society; the National Union of Workers; the Electrical Trades Union; The Plumbers and Gasfitters Employees' Union; the Printing and Kindred Industries Union; the Police Association of Tasmania; The Federated Engine Drivers' and Firemen's Association; the Federated Liquor and Allied Industries Employees' Union; and Actors Equity.

PRESIDENT:

Yes. I didn't hear the Shop Distributive and Allied ...

MR BACON:

Yes.

PRESIDENT:

Did you?

MR BACON:

They were on the list, Mr President.

PRESIDENT:

I beg your pardon.

MR BACON:

So that completes the unions who I am authorised to appear for the purpose of giving a commitment, and these are those commitments in writing from those organisations.

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PRESIDENT - BACON

PRESIDENT: They are the actual commitments?

MR BACON: They are, Mr President.

PRESIDENT: Thank you.

MS WALKER: Minus one.

MR BACON: Minus one?

MS WALKER: The authorisation of HAREA is coming
- the commitment.

MR BACON: One's on its way.

MS WALKER: The authorisation is here.

MR BACON: Yes, the authorisation for The Health
and Research Employees' Association
is there for me to give the
commitment. The actual commitment in
writing is on its way, I'm informed.

PRESIDENT: Yes. I note ... let the record state
that the file handed up includes not
only the authorisation for the acting
secretary of the TTLC to make the
commitment on behalf of the
organisation, but also the commitment
itself.

MR BACON: That also is the case, as is with
HAREA, that the Federated Clerks
Union commitment is following in
writing.

However, the authorisation is there
from the Clerks Union for me to give
the commitment.

PRESIDENT: Well, we won't go through that
again.

MR BACON: No. Mr President, I think that does
cover all the unions, other than
those who are intending to appear
personally this morning ...

PRESIDENT: Yes.

MR BACON: ... with the exception of the
Australian Nursing Federation and the
Australian Social Welfare Union.

15.11.89 PRESIDENT - BACON - WALKER

MR BACON:

In relation to the ASWU, the TTLC has attempted to contact them for the purpose of having them added to the list. It hasn't been possible and we don't envisage any problem with it and we'll continue to attempt to contact them. And I would undertake, as soon as possible, that that undertaking ... that commitment in writing would be committed to the Commission.

PRESIDENT:

Yes. Thank you, Mr Bacon.

However, it would have been well within their knowledge, I imagine, and the knowledge of all other organisations that we had set aside today for the purpose of taking commitments.

If those commitments are not forthcoming today, but do in fact manifest themselves at a later date, it would be a matter for the commissioner concerned to decide, in the light of those circumstances, whether or not any increase would apply retrospectively to the date determined by this Full Bench, or from some other date.

MR BACON:

We'll certainly be informing that union of that, Mr President.

PRESIDENT:

Yes. Thank you, Mr Bacon.

Mr Vines?

MR VINES:

Mr President, the Tasmanian Public Service Association endorses the preamble to Mr Bacon's commitment on behalf of the other unions, and we indicate, sir, that we have welcomed the final decision of the Commission in relation to this matter and look forward to proceeding on award restructuring on constructive grounds, on the basis that we will be seeking to introduce true structural efficiency improvements and not second-tier-type negative cost-cutting measures.

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PRESIDENT - BACON - VINES

MR VINES:

On that basis, Mr President, the association is prepared to give the necessary undertaking and agrees to our awards being amended to include that undertaking, and I have that in writing to the Commission as well.

PRESIDENT:

Yes, thank you.

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PRESIDENT - VINES

PRESIDENT:

Yes, Mr O'Brien?

MR O'BRIEN:

If the Commission pleases, we are in the same position as the TPSA and the other organisations represented by Mr Bacon.

We, likewise, give the commitment, that is the organisations that I represent: the Federated Miscellaneous Workers Union and the Clothing and Allied Trades Union, Victorian Branch. In relation to both of those, I have a commitment in writing. I understand that you require it on letterhead. I have it on a form document.

I would tender both today on the basis that they will be replaced with documents on letterhead and I will need to get the one from the Victorian Branch, either posted or faxed from Victoria to the Commission, and I would now tender those.

PRESIDENT:

Yes. That will be in order, Mr O'Brien.

Ms Moran?

MS MORAN:

If it please the Commission, as you will be aware, our members voted before you handed down your decision last week not to agree to teacher contact hours being part of W.6.

Since that vote, you have arbitrated teacher contact hours as part of that agreement. As a result of your decision, there have been lengthy discussions held by the association, as you will be aware, over the last few days and the executive has decided to recommend to our members that we give a commitment.

We point out, however, that there was little opportunity for us to have consultation beforehand and there's been no opportunity for us to negotiate on an issue that's fundamental to our members.

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PRESIDENT - O'BRIEN - MORAN

MS MORAN:

It's a highly sensitive issue on which we feel we must consult them before giving a commitment. We have taken steps to do that today and the results of the consultation should be available by this afternoon. If our members accept our recommendation, then we will be in a position to sign the document before the end of the day.

I thank the Commission.

PRESIDENT:

And if not?

MS MORAN:

I will inform the Commission of that event also, Mr President.

PRESIDENT:

Thank you, Ms Moran. Well then, you heard what I said regarding the operative date of increases ...

MS MORAN:

Yes, Mr President.

PRESIDENT:

... if a commitment is not forthcoming today?

MS MORAN:

Mm.

PRESIDENT:

Thank you.

Miss Backhouse?

MISS BACKHOUSE:

Thank you, Mr President. On behalf of the Tasmanian Teachers Federation I'd also like to endorse the preliminary remarks made by Mr Bacon on behalf of the unions.

The Tasmanian Teachers Federation is prepared to give the commitment and I have a letter to that effect. I note that SCSA will be in a position to advise of what they are going to do this afternoon and, of course, that affects us as they are a party to three of our awards.

I would like to ask that in the event that the commitment is not given, that the matters of the Teaching Service (Teaching Staff) Award, the Teaching Service (Non-Teaching) Staff Award and the Technical Colleges

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PRESIDENT - MORAN - BACKHOUSE

MISS BACKHOUSE:

Staff Award be brought on as soon as possible to allow all parties to be heard and some resolution reached on behalf of my 5,000-plus members who, because we have given the commitment, we believe will be entitled to the 3% as from the common operative date. Thank you.

PRESIDENT:

Yes, thank you, Miss Backhouse.

Well, of course, in the event that that commitment is not forthcoming from the previous speaker's organisation, I've no doubt the commissioner concerned, in this case the Deputy President, will take such steps as he considers appropriate to deal with that matter at the time.

Yes?

MR GRUBB:

Mr President, I'd like to clarify the position of the Clerks Union in this matter, in that the Clerks have given the TTLC, the Acting Secretary, Jim Bacon, an authorisation to give a verbal commitment to the decision which you've handed down.

However, our secretary is out of the country at present and therefore we are finding it difficult to contact him and get the written commitment on letterhead as required. We're hoping that this won't affect the 53-odd awards we're party to and I'd also like to point out that a letter that was sent to yourself, dated 6 November, clearly sets out our commitment and our intent to the restructuring principle in the guidelines and it also did indicate to you that our secretary would be out of the country until 4 December.

So, I'm not too sure where that leaves us in regards to a written and signed commitment. However, we do have that commitment in principle.

PRESIDENT:

Yes. Well, we'll consider that submission, thank you.

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PRESIDENT - BACKHOUSE - GRUBB

PRESIDENT: Yes, Doctor Senator?

DR SENATOR: Mr President, on behalf of the Salaried Medical Practitioners Society, we're prepared to give the commitment in the terms required by the Commission.

PRESIDENT: Thank you. Do you have a document, doctor?

DR SENATOR: Yes. I've provided copies of those.

PRESIDENT: Thank you.

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PRESIDENT - SENATOR

MR BROUGH: Mr President ...

PRESIDENT: Yes.

MR BROUGH: ... I'd like to endorse the federation's request concerning the TAFE Staff Award that in the event that the SCSA is unable to give a commitment in the terms requested, that the TAFE Staff Award also be brought before the Commission in order that we may be heard and the 3% ... or at least measures taken to have the 3% paid to our members.

PRESIDENT: Yes. Thank you, Mr Brough.

As it happens, that particular award falls within the assignment of Mr Commissioner Gozzi. I'm sure he will take all that on board.

MR BROUGH: Thank you.

PRESIDENT: Yes, Mr Cushion.

MR CUSHION: Thank you, Mr President.

I have the commitment here in writing. We are in a position to give that commitment. We would also like to have it noted by the Bench that our federal award was ratified on 3 November.

We are pleased to be able to report that a lot of ground work has been done in the restructuring and we are quite confident that we will be able to put forward a genuine restructuring of our award at the appropriate time.

PRESIDENT: Thank you, Mr Cushion.

Are there any more organisations wishing to make a commitment?

That being the case, it remains for me to indicate that that concludes the hearing of these matters. The actual implementation of the Commission's decision will now be a matter for the commissioners

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PRESIDENT:

concerned.

Thank you.

Would the other gentlemen - Mr Bacon,
Mr Vines, Mr Abey and Mr Willingham
be good enough to see us privately.

HEARING CONCLUDED

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PRESIDENT