

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 Tasmanian Meat Industry Award

COMMISSIONER WATLING

HOBART, 7 February 1995
continued from 16/1/95

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER WATLING: I'll take appearances please.

MR J.E. SWALLOW: SWALLOW J.E., AMIEU.

COMMISSIONER WATLING: Thank you.

5 **MR G. COOPER:** If the commission pleases, I think I have to seek leave to intervene in this matter on behalf of The AWU-FIME Amalgamated Union, Tasmania Branch, COOPER G.

COMMISSIONER WATLING: Good, thank you. I think we've given you a watching brief before, haven't we?

MR SWALLOW: Yes.

10 **MR COOPER:** I was involved very early in the piece, commissioner. But I advised Mr Targett this morning that I'd be just appearing to instruct the commission in terms of the discussions that have occurred, but he advised me that I'd have to seek leave to intervene. So I didn't want to upset things. That's simply what I did.

COMMISSIONER WATLING: Yes, right. Well your reason for intervention being then?

15 **MR COOPER:** Well sir, in respect to the restructure process that was discussed when we attended an earlier hearing was that it was the intention of the parties to make one consolidated award and restructure those awards as necessary. Now we are party to the Abattoirs Award which is going to be brought into this award, and we see that we do have a role to play in respect to that process.

20 **COMMISSIONER WATLING:** Any objection to the intervention?

MR TARGETT: I have no objections, commissioner.

COMMISSIONER WATLING: No objections, leave granted. Further appearances?

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

25 **COMMISSIONER WATLING:** Thank you.

MR M.D. FLYNN: FLYNN, Michael Dennis, the Meat and Allied Trades Federation of Australia, Tasmanian Division, commissioner.

30 **COMMISSIONER WATLING:** Good, thank you. Well should we take a report back first up? I think we had some discussions on the last occasion and we looked at some options in conference. I don't know whether the parties want to still look at things in conference or whether we proceed today formally with matters.

MR SWALLOW: Conference, I think.

MR TARGETT: I think it would probably be appropriate to at least put a report-back on record and then go into conference, commissioner.

35 **COMMISSIONER WATLING:** Right. Well who's going to lead then?

MR TARGETT: I'm happy to do that, commissioner. Since the last hearing date, as the commission has advised, on that particular day there have been discussions between the AMIEU, MATFA and the TCCI. Discussions took place on two occasions in the intervening period at which stage throughout those discussions a range of issues

have been looked at between the parties, including the title of the award, the scope of the award and we have in some detail gone through the conditions that may be able to be applied to the award.

5 We have, as we undertook to do on the last proceedings, gone through the conditions on the basis of attempting to find those conditions which are readily agreed between the parties to the discussion, and put those conditions together and determined where throughout the range of conditions disagreement exists at this point in time. And I believe it's fair to say, subject to confirmation of the others, that we have established that particular position.

10 The position that we have reached would be that today we would seek to advise the commission on a 'without prejudice', of course, those areas where agreement has been reached and also those areas in general terms where disagreement still exists. And we would seek in the conference process to advise the commission of those positions, and perhaps in some areas at this stage anyway seek some guidance from the commission
15 in relation to some of those disagreed areas.

In relation to perhaps the more pressing matters before you that relates, I guess, to the title and scope, certainly the title is not an issue between us. That was a very easy one to reach agreement on. On the question of scope, as you're aware, there were discussions on the last proceedings in relation to how broad the scope should go. And
20 Mr Swallow undertook to hold discussions with other unions that may have been impacted upon the degree to which he sought to expand the scope of the meat industry area.

Certainly he undertook to get back to us after he'd had those discussions, which he's now done, and has put to us his final position in relation to the scope and how the scope should look in any new award. In relation to the scope we have - or the TCCI
25 have sought to circulate that proposition from Mr Swallow because of the necessity of the broadened area in which he seeks to gain coverage under this award, to seek advice from our members. And we've circulated that to get that opinion from them. We are still awaiting that advice from our members, of course, but just so that you're
30 aware of where things are at.

I believe that is a reasonable indication to the commission of where things have now reached. Certainly there has been, in our opinion, significant progress made in this particular matter, and we are fairly keen to keep the progress going because of the degree of consensus we've been able to reach.

35 On that basis, subject to other parties wishing to either contradict any part of my report back or agree to it, we would believe that it's appropriate to go into conference and have further discussions with the commission over those areas that have been a part of our process.

COMMISSIONER WATLING: Any further reports? Is that an accurate view?

40 MR SWALLOW: Yes, that is a very accurate position, commissioner.

MR COOPER: Yes, just on that, to advise that Mr Swallow has undertaken to consult with us on a regular basis in respect to the progress of this award. And that, by the nature of those consultations, hasn't required us to attend each hearing. We thought that - we appreciated that. We are here this morning because of the new idea that Mr
45 Swallow has floated amongst the employers, that we have been party to, to expand the scope and we advise that we have been consulted on that. And we would like to put our views to the commission in conference as well, if we may, this morning. If the commission pleases.

COMMISSIONER WATLING: Right. Any other views? No other views. We'll just proceed off the record, thanks.

OFF THE RECORD

5 COMMISSIONER WATLING: Now let the record show that we've had considerable off the record discussion and it has been decided not to proceed today with the application in respect of title and scope, but it will be considered on Monday the 27th February 1995 at 10.30, and this matter will stand adjourned until such time. Thank you.

MR SWALLOW: Before you do.

10 **OFF THE RECORD**

COMMISSIONER WATLING: This matter will stand adjourned now until Thursday the 2nd March 1995, and not the 27th February, as I stated earlier. This matter now stands adjourned.

HEARING ADJOURNED

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