

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T. Nos 4258 and 4259 of 1993

IN THE MATTER OF an application by
the Australasian Meat Industry
Employees Union, Tasmanian Branch
to vary the Meat Trades Award and
the Abattoirs Award

re export and local boning and
slicing tallies

COMMISSIONER GOZZI

HOBART, 5 August 1993
continued from 29/6/93

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: Are there any changes in appearances in that matter?

MR T. EDWARDS: If it please the commission, I think on the last day of hearing in this matter I had appearing with me certain people. I would like to add to that list of people **MR M. SLINGER.**

COMMISSIONER GOZZI: Mr M?

MR EDWARDS: Slinger.

COMMISSIONER GOZZI: Right. Thank you.

MR EDWARDS: Thank you, commissioner.

COMMISSIONER GOZZI: Before going with that matter any further I just want to indicate that I did write to the parties on the 30th July 1993 outlining some suggestions about section 55 agreements and enterprise agreements pursuant to the enterprise bargaining wage fixing principle.

At some stage I would like to address that matter, and it may be better - so that I have an indication as to where we're heading - for that issue to be got out of the way at this point, unless the parties themselves feel it might be more properly addressed later when submissions with respect to boning and slicing tallies have been concluded.

But I think to get an overall indication it's probably worthwhile to address that as an incidental matter to the applications that are before me currently. Who would like to go first?

MR SWALLOW: Well, to tell you the truth, I haven't read it.

COMMISSIONER GOZZI: Haven't you?

MR SWALLOW: No.

COMMISSIONER GOZZI: Well, that is a bit of a problem, Mr Swallow.

MR SWALLOW: Yes. I haven't read the letter. All I know is that I can only talk of what you said down there, and I intend to do that, anyway.

COMMISSIONER GOZZI: Well, we faxed it to you on the day the letter is dated.

MR SWALLOW: I've got no doubt it is in the office, but I am saying I haven't read it and I haven't got it.

COMMISSIONER GOZZI: Well, I suppose if you haven't read it, it is a bit difficult to comment on it, isn't it, Mr Swallow?

MR SWALLOW: I have only been in the office for about 4 hours for the last 5 days.

COMMISSIONER GOZZI: Well, the letter was written to put some suggestions to the parties, no more no less, and I suppose it is like a lot of suggestions in respect of matters affecting this industry - they go through to the keeper - and as far as I am concerned it is not much point getting too bogged down on this, but if the employers would like to make some comment, well then obviously feel free to do so.

MR EDWARDS: Commissioner, I have just had an instruction from Mr Flynn on whether we do wish to make comment at this stage.

It is felt that it would perhaps be improper if we were to comment in isolation of a response from the union, particularly given that Mr Swallow has indicated that he hasn't as yet caught up with the content of your correspondence, and I think it would probably be appropriate if we held fire, as it were, until such time as Mr Swallow is familiar with the content of your letter.

COMMISSIONER GOZZI: Yes. Alright.

MR EDWARDS: If it please the commission.

COMMISSIONER GOZZI: Yes. Thank you, Mr Edwards.

I'd just like to - rounding this matter off - indicate on the record my intention was simply to identify a process involving this commission in section 55 agreements. It certainly wasn't intended that employers and/or the union, as the case may be, to be involved or to prevent the employers being involved in enterprise agreements subject to 61 of the Act.

As I have said off the record on many occasions it is no good talking to me about enterprise agreements subject to section 61 because this commission as constituted and otherwise has got no area of jurisdiction in those particular types of agreements.

The other aspect that is exercising my mind related to the structural efficiency exercise in the award being totally bogged down, for reasons which we are all aware, and accordingly a lot of the attendant matters that go with structural efficiency haven't been addressed.

For instance, industry efficiency and productivity measures haven't been considered; neither have the consideration of minimum rates adjustments been discussed vis-a-vis the general

slaughtering rate, or the slaughtering rate versus the relativity to the tradespersons rate.

Now obviously both things are of importance in an award context. They are important to individual employees, they are important in the context of establishing proper career paths in the industry.

All the issues together are important to the overall viability and efficiency of the industry, and I have expressed some real concern that in the overall state award sense the Meat Trades Award and the Abattoirs Award are two of the awards that haven't been treated by a structural efficiency and represent a handful of awards in the entire make up of the state award system that haven't been processed by way of structural efficiency initiatives.

I think that reflects pretty badly on the industry as a whole, and those that are responsible for driving the industry. I think what it reflects is a willingness by the parties to keep the award as it is, and that is, out of date, and that's disappointing.

My letter was intended to try and promote agreement discussions which are taking place to a certain extent, in any event. To try and move forward the agenda of productivity and efficiency measures versus identifiable benefits for employees by way of the enterprise bargaining principle.

The reason I included a mechanism for consideration going to private arbitration is because I have been in this industry now for some considerable years, both before coming to the commission and since; but particularly since being in the commission I have found that things get bogged down to such an extent that at the end of the day nothing much happens.

And it was my intention in nominating for your consideration the private arbitral role and a time frame to bring to some realistic conclusion the sorts of measures that I have been talking about, because I believe quite firmly that the industry is not capable of achieving those sort of outcomes without some sort of mechanism to make it happen.

I'm also aware, having been in the industry for a period of time and having had it in my panel since 1985 when this commission first started that there are employers out there who are quite content to keep the award as it is because they see some benefit in the award being in that way; and that perhaps applies more so in the retail meat trades area than it does perhaps in the processing area.

There seems to be a real lack of vision as to what could be achieved, or what can be achieved, where everybody could benefit.

I've made the point on numerous occasions, both formally and informally, that in my view the industry in Tasmania is undervalued in the context of its capacity to generate income for this state.

We've discussed at times the issue of subsidies, livestock subsidies versus carcass subsidies. We've discussed at various stages some sort of process to get this industry up, pull it up by its bootstraps in terms of its capacity to employ, its capacity to be world competitive, and I firmly believe that opportunity after opportunity is being missed for reasons best known to the parties.

I recognise that the industry is competitive between companies and between butcher shops, and so on and so forth, but the bottom line is that everybody will benefit and will not lose their competitive edge by the industry per se being more efficient, more productive, and employees having better established career paths than they currently have, and for those career paths to be properly rewarded in terms of financial gain to employees where appropriate.

The enterprise bargaining principle in the context of the wage fixing principles was inserted at the request of employers and unions, and I felt that the process I had outlined would allow some of those objectives to be met.

I just want to re-emphasise in concluding that I put it no higher than suggestions to the parties to consider, and I suppose in some way trying to free up the processes which have become bogged down as a consequence of the structural efficiency exercise going nowhere.

And that the awards in question, as I said earlier, represent only a handful of awards that haven't been treated in the state system by way of meaningful structural efficiency reviews.

Having said that, I don't want to have a reply, unless you particularly feel moved to make comment, but at some stage I would like to hear from you as to what you think about the suggestions and you might very well take on board the comments and observations I have made.

Now, if nobody has got anything further to say on that issue.

MR SWALLOW: I have.

COMMISSIONER GOZZI: Mr Swallow?

MR SWALLOW: I take exception to a number of your comments, even though I accept that you can say what you like, and if

that's the system, how it works, I most certainly can say what I like and what my position is.

COMMISSIONER GOZZI: You certainly can, Mr Swallow.

MR SWALLOW: And from the union's perspective I would just like everybody to know that the structural efficiency exercise and your enterprise agreements hasn't been bogged down at all.

In fact, there's negotiations take place every week, and the best example probably would be this: that recently, probably as many as 10 or 12 years, they have had extra labour on the slaughter floor at Longford, for example, and the productivity exercise was done like this: after 10 years of the additional assistance there was put on the slaughter floor by the management to increase productivity, and for that reason only management decided one day that all the labour had to be removed.

No discussions, no nothing, so most certainly it has not bogged down.

And the other probably most important - I just give that example - but the most important as far as the union goes, all of the meat industry in Australia, including all of the commissioners, know why there hasn't been much going on in the meat industry for around about 3 years, and the total reason for that, and the only reason for that, is because the employers throughout Australia, through MATFA their representation and the AMIEU throughout Australia through the federal council and the federal executive have determined that nothing take place until the results of the federal meat industry inquiry are made known to all and sundry.

That currently is in the Federal Commission, as you know, and unfortunately it looks like being a bit longer than about 18 months' delay, because I got some information in the post from the federal secretary early last week to say there is another meat industry inquiry being underway, and I got a request included with the correspondence as to this is the terms of reference of it and if I wanted to give any - put any - submissions in in relation to any matter, and goodness knows what - you know how they go - that they have got to be in by such and such.

So off we go again round and round the merry-go-round.

So I can understand your position, but, you know, I have got a right to put my position also. And that's my position. And I could go on a little bit further to - are we on transcript?

COMMISSIONER GOZZI: Yes, we certainly are.

MR SWALLOW: Well I could go a little bit further why that I feel a little bit reluctant, and indeed reluctant to move from that federal executive decision.

I did once and I've been in this game for many, many years. I was elected in August 1966 and I've learnt a few tricks since that time. And one of the tricks that I thought I learned and have come out with dismal failure, was that I decided that Tasmania was to have a go at the 38-hour week in the retail section.

I decided that in good faith because I thought Tasmania was a small sort of area, it wouldn't take long to get under way and the - everything was there, you didn't have to go and travel for millions of miles like you have to do on a federal level right across Australia to do it under the federal area. So I made a decision. The union made a decision that we go down that track - we go first into the 38-hour question into retail.

After nearly 3 years of time wasting and about a million pages of transcript, the claim - the union's claim was unsuccessful. Now at this point in time - and in fact, that decision was used against the union at a federal level when the federal application went into the federal commission. It was used against the union claim in an endeavour to torpedo the national claim by the union.

However, it got what it's worth. There was no notice taken of that decision and everywhere in Australia has got a 38-hour week in the retail area that the members employed in that area gave virtually nothing away - nothing away. And when you compare that to what we was made give up in the supermarket area in Tasmania, that members in Tasmania were robbed. And that's the reason why I'm a bit reluctant to lead any bloody push for any bloody moves in the meat industry.

COMMISSIONER GOZZI: You don't have to swear, Mr Swallow.

MR SWALLOW: Yes, but if you was in my position you might swear a bit yourself. And that's my response to it.

COMMISSIONER GOZZI: Alright. Can we now move to the boning and slicing tallies claim.

MR SWALLOW: Yes, no response.

COMMISSIONER GOZZI: Those applications are still joined and they relate to export and local boning and slicing tallies for the Abattoirs and Meat Trades Awards.

Now, Mr Swallow, we adjourned last time for you to make submissions in respect of your claim, but particularly with regard to the wage fixing principles and anything else you might want to say.

MR SWALLOW: Well before I start, there's a - there's a minor matter I'd like to put on transcript which is very important as far as the boners and slicers go, and it's just simply this, that Mr Edwards and Mr Flynn a moment ago elected to speak on behalf of the employers without consultation.

COMMISSIONER GOZZI: Without consultation with whom?

MR SWALLOW: With the employers at that point in time. Usually the go is that when something happens either one of them or both of them are around talking and all of this sort of stuff and over - over - over many years I've complained about these interjections on scores and scores of occasions, and frankly I've had no support.

COMMISSIONER GOZZI: Mr Swallow, I didn't notice any interjections at the moment. I was listening to what you were saying and writing down what you were saying - I didn't notice that there were any interjections.

MR SWALLOW: No, there wasn't any that time - that's my point - that's my point. It was delightful to listen and that's the way - and this is the threshold matter concerning the rules of debate in this commission. I've been putting up with these interjections for longer than 1985 when yourself became the commissioner for the meat industry - the two employer reps - I've complained without any success on scores of occasions.

Now if people don't understand the rules of debate well we'd better have a seminar and let everyone know what the rules of the game are, because my understanding is that when a person is making his - making his submission he's allowed to do so uninterrupted. And if the employer reps. or their representatives or the employers themselves want to respond they do so at the appropriate time or when called upon.

And that includes sign language given from the back benches here. And all I'd like before I start is to request that if these interjections are going to take place today, people that are interjecting be asked to leave, and if they want to talk to the employers or if they don't understand something that I'm saying they can write it down, they can ask for an adjournment, they can have the adjournment for as long as they like, and then I can come back and finish my submission without being interrupted either deliberately or unintentionally. And I'd just like to say that because I'm just about sick of it.

COMMISSIONER GOZZI: Mr Swallow, that deserves a response from me.

MR SWALLOW: Fair enough.

COMMISSIONER GOZZI: There is no doubt that at times meat industry hearings, as indeed some other hearings, become fairly intense, and it's no secret that in the formal sense, and I confine myself to this industry, that from time to time parties are not on the best of terms when the proceedings are under way.

As an umpire it's sometimes difficult to get the parties to keep their emotions under control. However, in my judgment it's not possible to regulate the proceedings in such a way which would prevent the normal sort of dialogue that goes on in any hearing, certainly in my experience, in any hearing between the parties sitting at the bar table, but when that - when that communication goes on between them as a point is being made by another advocate - by an opposing advocate - when that communication goes on and an advocate is on his feet and the other parties are discussing a point that the advocate might be making, that should be done as quietly as possible without disrupting the person on - on their feet.

Now I would have thought that in more recent times the level of interjection has reduced quite a bit, but in that - in that context it's not uncommon - not only in this hearing - in these type of hearings but in hearings generally - for opposing advocates to, at various times, depending on what the point is that's being made, to get to their feet and object.

Now object - raising objections is a legitimate -

MR SWALLOW: I've got nothing wrong with that - I'm not talking about that.

COMMISSIONER GOZZI: - is a legitimate - well let me finish this - is a legitimate part of the - of the process, but it's very difficult of course to prevent something happening when you don't know - and none of us know it's going to happen. And obviously in that context - when you talk about interjections there is no place for interjections or snide comments when somebody is on their feet making points. And I think that's the issue that you are particularly addressing. And as far as I'm concerned I just reiterate that point, that in any proceeding those type of interjections are not welcome and shouldn't be made.

This commission, when it first started, opted for an approach where the applicant goes first, puts their case in total, the respondent to the application goes second, puts their case in total and then the applicant has a right of reply when no new

material can be introduced and the right of reply is confined to those matters raised by the response and when that right of reply has been finalised the case finishes and the decision is handed down.

Now if a mistake has been made, and I will wear this responsibility, is that on many occasions because of the way the proceedings have gone, that strict procedure hasn't been observed, and I've allowed it not to be observed.

And the reason I haven't observed it is because invariably the information that comes out subsequently is information relevant to the proceedings - relevant to the decision-making process.

Now given what you've said, Mr Swallow, and I recognise why you've said it and you're quite right, you've raised concerns about it previously, I think there is a need to reiterate some commonsense rules and that the broad framework that I've just outlined should apply, and that is, that the applicant - in this case yourself - puts their case in toto, the respondents reply - put their case - and then you have a right of reply. And if any information isn't before the commission at the end of that process you'll have to - whoever it is - will have to make the point that they would like to raise another matter and I can rule on it at that time, because a lot of what happens is because the process keeps going on and on and on.

And so in that regard I'm quite prepared to enforce very strictly, if it's going to be helpful, that applicant submissions are made in toto, and that might - that might involve calling witnesses if - if - if whatever, if that's necessary, but the applicant puts their case completely, the respondents reply in total, putting their case, calling witnesses if they need to, whatever, then you have a - the applicant has a final reply. And that will be the end of the proceeding, and then a decision is made.

And if we proceed that way I think it will eliminate a great deal of the sort of concerns that - that you're raising.

But as a general rule, I'm not prepared to prevent parties at the bar table - and if you had somebody appearing with you, the same applies to you - having a sensible quiet conversation, not disruptive to the other side, discussing points that may need to be discussed - as the context of making your submission. That's part and parcel of the normal procedure.

MR SWALLOW: So it's business as normal for these people.

COMMISSIONER GOZZI: Well I thought I made it clear that I wouldn't anticipate that there would be any interjections apart from those type of interjections which would be legitimately made by raising objections, by the advocate getting to their feet and raising a formal objection.

MR SWALLOW: I'm not talking about those.

COMMISSIONER GOZZI: Secondly, I thought I made it clear that interjections that may be considered to be snide comments should not be made - and I'm not saying they have been made - I'm just simply saying that in the past some of the feelings from both sides have been fairly intense and audible comments have been made and that shouldn't happen.

And thirdly, I'm making the point that I don't think it's inappropriate for discussions between those at the bar table to take place between advocates - that is part and parcel of the normal type procedural process, but when those discussions take place they should not be distracting to the advocate on their feet or indeed to the commission.

MR SWALLOW: Right, well what about this for a suggestion then: if they can't understand or there is something new, rather than whisper, what about if - what about - I've got no-one here with me - I don't need anyone to discuss things with and this sort of stuff - so rather than whisper, what about we stop then they can talk loud and then we can start again?

COMMISSIONER GOZZI: Well -

MR SWALLOW: Would that be better?

COMMISSIONER GOZZI: - well -

MR SWALLOW: Because, you know, I - I think that would be preferable. That would be preferable. That would be a preferable option as far as I'm concerned. As soon as I hear the talking I'll stop and when they've finished I'll start again. Would that be alright.

COMMISSIONER GOZZI: Mr Swallow, I don't think you're going to be that distracted if what -

MR SWALLOW: Well, I am - that's - that's to be the procedure.

COMMISSIONER GOZZI: Well, let me put it this way: it's up to the commission to regulate its own proceedings. I would like you to put your submissions in total and if there is any discussion that takes place which I judge to be interfering both with my ability to concentrate on what you're saying or your ability to continue, if you think it's impacting on your

ability to continue well then you can just say so and we'll look at it then.

MR SWALLOW: I'll be doing a bit more than saying so.

COMMISSIONER GOZZI: Well -

MR SWALLOW: Right.

COMMISSIONER GOZZI: - Mr Swallow, I can't control what you're going to do.

MR SWALLOW: Well I think it's obnoxious, that's all.

COMMISSIONER GOZZI: Well I thought I made it clear that as far as that's concerned that should - if that happens then obviously you'll stop, but I don't expect it to happen and I think it's probably to the point now where observations are made which really haven't surfaced in this commission in this type of proceeding for some considerable time. I'm a bit surprised that the old chestnut is still coming out because, as I said, in more recent times, I think that the proceedings overall have been - been orderly and that the objections have been made in a proper way.

MR SWALLOW: Well, it's my opinion they haven't been orderly, and that's why hence I'm complaining.

COMMISSIONER GOZZI: Well I hope I have addressed the complaints. I have attempted to do so as best I can.

One of the problems, Mr Swallow, while we are discussing this, and I am not just addressing myself to you but Mr Edwards and Mr Flynn as well, is that there seems to be in this industry when you get to this particular stage, for whatever reason, this generation of feeling and it is unfortunate that's the case, because from where I sit what you all have to do is to do your jobs to the best of your ability, try and make the arguments that you put forward as persuasive as you possibly can, and concentrate on the matters at hand. And sometimes that hasn't always been the case.

But in more recent times, as I say, I've had no complaints about the way these proceedings have gone and, indeed, I haven't had any complaints about the conduct of the participants. Are you ready to proceed?

MR SWALLOW: I sure am. When we adjourned on the last occasion the union was asked to address the wage fixing principles, and I thought it would be the obvious, given the changes that are taking place in the industry and have been for some time in fact, have been since the wage fixing principles came in.

Especially in the boning and slicing area the changes take place with every order basically, and that will continue.

Since those wage fixing principles, as many were adopted by this commission, there were as many as 40 different kinds of export customer requirements that change every day, every order, and of course there is nothing wrong with that, that will continue as the customer, mainly in Japan, requires and desires certain cuts, and he pays good money so obviously there have got to be changes.

The only thing that has changed in the meat industry since those principles were adopted is the rates of pay, and I suppose the most important changes that have taken place in the absence of tallies is, as I mentioned last time, the system is making young people old - having to get out of the industry at 45 years of age and 40 years of age.

And I was in Devonport last Wednesday and a relatively young bloke came up, he's a boner, been a boner at SP Holmans, he is now working for John Brown at Devonport, and he would be approximately 43 years of age. He was telling me he is on 5 weeks' workers' comp now just through the repetitive strain of doing excessive amounts, and he asked me about his workers' compensation entitlements and it looks like it won't be very long before he'll have to leave the industry.

At Killafaddy you've got 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, just a quick run round, I got 12, there's another one there. You've got one, his shoulders and arms are gone. Would you like me to read these names out?

COMMISSIONER GOZZI: Well, you say you have got 12 people on workers' compensation. What are you saying about those twelve?

MR SWALLOW: Twelve people have left. Well, what I am saying is, the conditions, the excessive amounts of stock that's being demanded of them - and I repeat, demanded - has put all of these people in a position where it is quite obvious they will never - you won't see one of them anywhere near the industry at, say, 55.

COMMISSIONER GOZZI: Well, what are those 12 doing?

MR SWALLOW: Well, they are all pieceworkers. They are slaughtermen who have been required - not required but excessive amounts have been demanded of them - and if you are not prepared to do it down the road that are slaughtermen, boners and slicers, and I will just run through this list I have got here.

We've got Kim Laws, shoulder and arms. He is at home. Apparently he's at home until such time as there is a new slaughtering system introduced at Killafaddy.

You've got Chris Jones. I think he is on the slaughter floor. He's on light duties, with the same problem.

You've got S. Johnston, his arms are gone. He is at home.

You've got J. West, his arms are gone. He's at home.

Those people at home I understand they have been told to stop home until such time the new slaughtering system is introduced. In other words, they've had it.

You've got Alan Jones, he's on light duties. He's been on light duties now for somewhere around 2 years. A relatively young bloke, about 45.

You've got Colin Elkingham, his arms are gone. He's at home. He has been at home doing nothing now for just at a guess at least 3 years. He hasn't worked for 3 years.

You've got Max Maney, his shoulders are gone. He's working on light duties.

You've got D. Blair, his arms are gone. He's on light duties.

You've got G. Watson, his back has gone. He's on permanent light duties apparently.

And you have got R. Grangham, his arms are gone but he is back on full work, but has been off on light duties.

You've got Michael Ingram, he's left. His arms were that bad he's left the industry because he couldn't put up with it any longer.

You've got - one's not there, but it just reminds me - you've got another one - that, incidentally, Michael Ingram his age would be about the same, probably 40-ish. In around his 40s.

And there's another one there, he has just left recently too, and he is a boner and slicer.

So, just having a quick look at that, there would be two-thirds of them boners and slicers and a third would be slaughtermen.

I can't think of that other one's name, but he has also left.

So, what I am saying is, we talk about productivity in the industry. Because of the nature of that - and you wouldn't call, I don't suppose, when you have a look down there, I

don't suppose you'd get a more loyal bunch of people, with probably - oh, there is another one that just got the sack. That's a chap by the name of Bill McWaters.

COMMISSIONER GOZZI: What, you've lodged an application for -

MR SWALLOW: Yes, for wrongful dismissal, but that's another - but I just say there is another one out there. Bill McWaters, and there is still another one but I can't think, but he's just left, anyway, and he has gone for a less demanding job.

So I get back to the productivity that the industry - you spoke about, I talk about, and the employers talk about - mainly lip service they give it.

I have been saying now for more than a decade, probably a decade and a half now, that the employer requirements of these people, they'll finish up making cripples out of young people. And the costs as far as workers' compensation goes it would be astronomical.

Now if you knew the insurance premiums for, say, Killafaddy you'd have nearly heart seizure. You'd be forgiven for nearly having a heart seizure. And the continuous loss of productivity doesn't concern them.

I'd just have a guess and say that those people that I mentioned there that have no less than 10 years' experience a man, so there's a dozen. So that's 120 years of training, experience and productivity will be wasted to the industry because my judgment not one of those - and, of course, there are others - but not one of those mentioned will be in the industry working as a pieceworker after their 50 years of age. So they'll finish up on the scrap heap and all they've ever got up to this point in time: if you don't do it you're down the road. Do it or you're down the road.

A couple of exhibits there I put in at our last meeting, I think it was claimed they were in-house. Whether they were in-house or not they're fact.

COMMISSIONER GOZZI: What exhibits are these, Mr Swallow?

MR SWALLOW: Oh, there was one in relation to a - where the company had agreed at Killafaddy to be an 80 tally. And there was one where -

COMMISSIONER GOZZI: I haven't got those on my file. Did I -

MR SWALLOW: Didn't you get them? I'm sorry. They must be out in the car. No, it doesn't matter, Andrew.

COMMISSIONER GOZZI: Have you got the exhibits on your file, Mr Edwards?

MR EDWARDS: Commissioner, I have, I think, six exhibits in the file.

COMMISSIONER GOZZI: What, in respect to boning and slicing tallies?

MR EDWARDS: Yes. In respect, commissioner - they range from Mr Swallow's exhibit AMIEU.1, which was an award from somewhere on the mainland, from recollection, if I can find the front page of it.

COMMISSIONER GOZZI: What, the Meat Trades Award?

MR EDWARDS: Western Australian State Award for boners and tallies and rates, which was identified as AMIEU.1. There's the Newcastle Northern Award, which was AMIEU.2.

COMMISSIONER GOZZI: Yes, I remember - that was in these proceedings?

MR EDWARDS: There was an AMIEU.3, which I didn't receive a copy of, commissioner.

COMMISSIONER GOZZI: Here they are.

MR EDWARDS: federal Meat Industry Award.

COMMISSIONER GOZZI: Sorry, Mr Swallow. Right. Sorry about that. What exhibit are you talking about?

MR SWALLOW: I was talking about the exhibit in relation to the 80 tally that the company had agreed to at Killafaddy.

COMMISSIONER GOZZI: What number is that?

MR SWALLOW: I wouldn't have a clue. I'll soon get it though. It's out in the car, to be truthful.

COMMISSIONER GOZZI: You -

MR SWALLOW: I can get back to that after anyway, if you like.

COMMISSIONER GOZZI: Yes, it's worthwhile numbering them as I number them too. Just let me - so you're talking about a Killafaddy one, are you?

MR SWALLOW: Yes. Well most of those names are that I read there. In fact, they're all from Killafaddy.

COMMISSIONER GOZZI: Right.

MR SWALLOW: I just thought, while we stopped there anyway - I just thought that other chap's name was Paul Carlson. His age would be around about the same, probably under 45, with probably 15 years or more experience in the trade.

COMMISSIONER GOZZI: What are you saying about the Killafaddy tally?

MR SWALLOW: Well all of those, including Paul Carlson, were at Killafaddy. It's the only - and what I'm saying is there - the reason why I mentioned the Devonport one, it's not only - I think there's only two boners at Devonport and one of them is off. That's what I'm saying.

Now the loss of productivity. The people that have got to get out of the industry and they're crippled. So it just seems to me that the productivity exercise, there would be one very good area where you could increase productivity by probably 50, 60, 70, 80 per cent. The sky would be the limit. And all it's bound around is the excessive tallies that are demanded, the excessive requirements that change from day to day and because of that I think it sits very well with the work-value principles.

And, of course, the employers know it. There wouldn't be any doubt about them knowing it. And, as I say - I've been saying now for 15 years or more that the members in that area will be virtually killed, as the saying goes, in terms of being pieceworkers with the demands that were being made on them, because the body, the human body is not only a robot; it's got oil in the joints and, of course, we only last so long.

Now the union's proposition is that there ought to be reasonable tallies, and all really what we're after, we're after what's really in the award anyway. In the award it says that providing you're willing and able to do, say, 400 sheep a week you get \$374.00-odd for your annual leave. In other words, for 4 weeks a year you're not working as a pieceworker, you're just working as an ordinary boner. So you're on \$374.80, I think, from memory. And, of course, that's what we're after.

Now if you work your 374 - I'll get the exact amounts.

COMMISSIONER GOZZI: \$374.30.

MR SWALLOW: \$374.30, is it?

COMMISSIONER GOZZI: Yes.

MR SWALLOW: If you work that \$374.30, as to what a person is worth after working as a piecework boner for 12 months is entitled to \$374.30, you say.

So if you work your rate - and we just go on the sheep - if you work your rate at 98.26 cents, back into the \$374.30, it equals 381 sheep for the week. Now what that says in the union's view is that that's what is considered a fair day's work for a boner. A fair week's work for a boner, if you work on that calculation I just done, it's 381 for a week.

COMMISSIONER GOZZI: Where's the 98.26 come from again?

MR SWALLOW: That's the piecework rate for mutton.

COMMISSIONER GOZZI: Yes, where have we got that?

MR SWALLOW: That is -

COMMISSIONER GOZZI: Boners, I've got - let me just have a look. Slicers, page 14, Mr Swallow.

MR SWALLOW: Pardon? It's a boner. Boner - where are we? It's on page 11, two piecework rates - a) -

COMMISSIONER GOZZI: Oh, yes, I've got it there. Sorry, I've looked at that, yes.

MR SWALLOW: (a)(i) 98.26. If you go down to the slicers -

COMMISSIONER GOZZI: Right.

MR SWALLOW: I might be able to help you, but I've only got two of these.

COMMISSIONER GOZZI: No, that's all right. I've got -

MR SWALLOW: It might save you working it out. I thought I had three, but I haven't.

COMMISSIONER GOZZI: Well we'll mark it exhibit AMIEU.4. Mr Edwards -

MR EDWARDS: get a copy.

COMMISSIONER GOZZI: Yes, that's your copy, isn't it?

MR SWALLOW: I've only got two, sorry.

COMMISSIONER GOZZI: You should really have -

MR SWALLOW: I know, three.

COMMISSIONER GOZZI: - two for me, one for each of the respondents.

MR SWALLOW:

COMMISSIONER GOZZI: Yes. So we'll mark it AMIEU.4.

MR SWALLOW: So if I just go on with the slicer one and they'll be back in a moment.

COMMISSIONER GOZZI: Yes.

MR SWALLOW: The slicer one is the same, if you go - it's -

COMMISSIONER GOZZI: B on page 14.

MR SWALLOW: Yes, it's Division B - Boners and Slicers - Piecework. It's on page page 71.

COMMISSIONER GOZZI: Yes.

MR SWALLOW: Where you've got your - what's it's worth when they're on annual leave. It's the annual leave proviso.

COMMISSIONER GOZZI: So what do you want me to look at there?

MR SWALLOW: So if you look - if you look down at - they're all the same, that's why I'm just picking out these two, but I've written as you've seen in all that other.

COMMISSIONER GOZZI: Yes.

MR SWALLOW: I want you to look at these slicers and boners (b), Slicing and trimming, and if you go down to, just say, for beef, because we're arguing about beef with the Japanese two for one claim.

COMMISSIONER GOZZI: Right.

MR SWALLOW: That says, if you're prepared to slice 90 carcasses per week you're entitled to \$348.20.

COMMISSIONER GOZZI: Well, yes, 348.20, yes.

MR SWALLOW: 348.20. The rate - the rate for piecework slice, say, export - if you just do beef and export market - the rate is \$1.0310, so if you divide that into 348.20 you get 84.5. In other words -

COMMISSIONER GOZZI: So to get your 10310 -

MR SWALLOW: Yes, you -

COMMISSIONER GOZZI: - divided 120 have you?

MR SWALLOW: No, to get that - I get that out of your -

COMMISSIONER GOZZI: You've got it in exhibit AMIEU.4 as -

MR SWALLOW: There we go, we get that out of page 14, (b) - slicers and trimmers may be employed at the following pieceworks rates - we get that out of (b)(ii).

COMMISSIONER GOZZI: Right.

MR SWALLOW: Last paragraph \$1.0310 -

COMMISSIONER GOZZI: Right.

MR SWALLOW: - per quarter.

COMMISSIONER GOZZI: Right.

MR SWALLOW: So if you divide that into \$348.20 - if you multiply that by four and divide that amount into \$348.20, you get 84.5. So in other words, a fair day's work for a piecework slicer while he's on annual leave is 84.1/2 carcasses per week.

COMMISSIONER GOZZI: Mm. What do you do for the - are you going to come to the slicers for mutton?

MR SWALLOW: Yes, yes.

COMMISSIONER GOZZI: And boners?

MR SWALLOW: Yes.

COMMISSIONER GOZZI: For beef.

MR SWALLOW: I think I've made a - yes - pardon?

COMMISSIONER GOZZI: You've given me boners for -

MR SWALLOW: Yes.

COMMISSIONER GOZZI: - mutton.

MR SWALLOW: The boners.

COMMISSIONER GOZZI: And you've given me slicers for beef.

MR SWALLOW: Yes, well all of the others are there.

COMMISSIONER GOZZI: So okay -

MR SWALLOW: I'll just give you those two examples, Mr Commissioner, all of the others - do you want me to read them all out?

COMMISSIONER GOZZI: Well yes, just give me the - just take me - exhibit AMIEU.4 -

MR SWALLOW: Yes.

COMMISSIONER GOZZI: - where have you got - oh yes, you've got sheep/cattle for boning.

MR SWALLOW: Yes, yes.

COMMISSIONER GOZZI: So for boning - sorry, for slicing mutton you're -

MR SWALLOW: Yes.

COMMISSIONER GOZZI: - saying that it ought to be 755 and 618 respectively?

MR SWALLOW: Yes, yes, yes - I'm sorry - I see what - yes - I see why I've confused you. I started with mutton boning and then I went down to beef.

COMMISSIONER GOZZI: Yes. So for - for boners, mutton boners, you're saying 381 sheep per week?

MR SWALLOW: Yes.

COMMISSIONER GOZZI: And for slicers - mutton slicers - you're saying prepared for the local market should be 755 -

MR SWALLOW: Fifty five, yes.

COMMISSIONER GOZZI: - carcasses?

MR SWALLOW: Yes. Mm.

COMMISSIONER GOZZI: And export, 618?

MR SWALLOW: Yes, sir.

COMMISSIONER GOZZI: Right. And the same reasoning applies to boners for beef which is in AMIEU.4 which you've got there as 72.5 -

MR SWALLOW: Yes - as against 84.5.

COMMISSIONER GOZZI: Yes. So - how does that work out, Mr Swallow?

MR SWALLOW: Well, that would be a very -

COMMISSIONER GOZZI: Well, no hang on, just let me get it straight. The slicing beef rate -

MR SWALLOW: Mm.

COMMISSIONER GOZZI: - produces a tally - sorry, 84.5 carcasses per week.

MR SWALLOW: Yes, when you divide that into the slicers rate of pay.

COMMISSIONER GOZZI: And boning - what's that relate to?

MR SWALLOW: That - if you just - if you just take your ordinary - but they all do specified, you see.

COMMISSIONER GOZZI: Mm.

MR SWALLOW: They all do specified cuts. It's the third one down - specified cut rate from page -

COMMISSIONER GOZZI: Yes, I've got that -

MR SWALLOW: Yes - is \$1.3909.

COMMISSIONER GOZZI: Right.

MR SWALLOW: And if you work that back into your \$374.30 it gives you a tally of 67.32 - so 67.1/3 bodies for the week is what's considered a fair day's work when you're on annual leave.

COMMISSIONER GOZZI: Yes, I've got that.

MR SWALLOW: So what - so what I'm saying - basically what I'm saying is that those tallies there were put down there for obvious reasons - they were extracted really from - from an old award here in Tasmania and when piecework came in, it came in as a cut throat system as - you know, I don't have to go into the - the - the - all of the bloody - all of the reasons for that because we all know.

Now what I'm saying is, what's happened - what's happened over the years - what's evolved - is at Killafaddy now they've changed half the system at least - and this is probably the best example - if you take - if you take - take Gilbertson's for example, they've all - they all work on the chain system - the side boning out there as we all know -

COMMISSIONER GOZZI: Mm.

MR SWALLOW: - and we go to Smithton and they work on a side boning system, a rail, but not fully rail -

COMMISSIONER GOZZI: Mm.

MR SWALLOW: If you had your up one end which is still being done and down the bottom you still had your probably, say, two-thirds of the thing was run by chain, the

other third was - there's still a lot of attached to it, he - and the you get your Killafaddy system where it's always been up until just recently, the last four or 5 weeks, and this leads me to believe that the company's attempting to do something about their major problem. You've got a system out there now where there's no chain in place yet but certainly there will be at a given time in the future, but they've slowed the people up for so many - to so many - they can only do so many an hour or so many a run, as it were, instead of, you know, get in and do that and do that, if you don't do it you won't get any overtime Saturday and all of these capers. At long last there's been a radical change out there.

And again, I've just got a funny feeling that it might be a genuine attempt to - to cut back the - their workers' compensation problems.

So that's the start. The next thing that will evolve out there obviously would be - it would be just - to have a guess at what the next move is, it will be a chain or some sort of system that - that will cut a lot of the out. It's obviously still there even though they've been slowed up.

Now what I'm saying is this; that the cut throat boning is almost gone from the industry, and the cut throat one is that a bloke will come in and he'll get encouraged to go like a cut cat and everyone looks at him just like the old shearers in the shearing sheds. They look at the old gun - they look at the old gun shearer and everyone tries to get close to him - as close as they can because he earns the most money - they - it's all individual earnings and that's your cut throat system.

Now the union's case is - is - is around the fact that cut throat has just about gone. It's caused enough problems - there's enough cripples in Tasmania and a loss of productivity as I've mentioned there early and it's about time there was a radical departure from - from that. And for all intents and purposes that's - that part of the exercise is taking place now with still a fair way to go.

Now in the meantime the - what the union claim is that there ought to be now - because the cut throat system has quite obviously outlived its usefulness and caused enough problems in the industry, caused enough loss of productivity - there ought to be now put in place a reasonable tally for pieceworkers.

I mean, after all it's there for annual leave and the ironical part about it all is, that over the years prior to these wage fixing principles being adopted - what, they've been in - what, for the last eight, 10 years -

COMMISSIONER GOZZI: Mm - 1983 they resurfaced.

MR SWALLOW: Yes - that's 10 years - about 15 years prior to that I'd submitted claim after claim on behalf of the pieceworkers that - that it just seems strange that you're a pieceworker for 12 months of the year and when you go on annual leave you're not. There is a different - there is a different approach taken to the pieceworker question, that is, you're - well, you know, you're a pieceworker for 12 months and you earn six or \$700 a week, but you can only earn 374.30.

COMMISSIONER GOZZI: Is that what happens in - in a practical sense, Mr Swallow? So, average weekly earnings in respect of annual leave payments for pieceworkers doesn't apply?

MR SWALLOW: No. I've put claim after claim after claim in - not in this commission, not in this forum - but in Mr time, in Mr Pamplin's time - I reckon I have put 6 or 8 claims up, but all have been opposed by the employers, and it just leads me to believe that that's why the union's arguments have got to get up.

What they are saying - the opposition to that - you see, what I am saying is, prior to - and if I had of put it up once in the last 10 years, once a year, it would have been opposed by the employers on the basis that they are not pieceworkers with annual leave, they are only just ordinary run-of-the-mill employees. That's what I would have got. And of course I had no success with it in the other forums prior to this one.

But it seems to me that if pieceworkers got their average weekly earnings like they do on workers' compensation, like they do on long service leave, the union - I wouldn't be here today - I would have the effrontery, to be truthful, to come and try and put a case up that there is any difference. But most certainly there is.

COMMISSIONER GOZZI: Well, it's sort of in stark contrast, isn't it? I mean, on the one hand you're seeking to put pieceworkers on tally and over tally rates, presumably, for reasons that you are talking about. On the other hand you are indicating that if their annual leave payments reflected more what they did as pieceworkers, then there mightn't be a claim.

MR SWALLOW: Well I will put it another way. The claim would have a lot more difficulty in getting up, in my judgement, and I'd be giving it a lot of thought before I'd put it in this commission.

COMMISSIONER GOZZI: How would that overcome the problems that you've referred to earlier?

MR SWALLOW: Well, again, I can't do much about the problems that have occurred. Probably they would still be there. But I would be putting up the same argument that if you change the

system, like I've been - this is not the first occasion I've mentioned to anyone about changing their system and reduce the incident rate of workers' compensation. I've been saying that for a long time, so I would still be saying that. And there would be no change to that.

COMMISSIONER GOZZI: Are you really suggesting, I think, Mr Swallow, that the piecework system should go?

MR SWALLOW: Well I am not suggesting that. I am just suggesting that it should be rearranged to take into consideration what actually is a fair day's work.

COMMISSIONER GOZZI: How does that sit, though, with the concept of piecework? Let's say, let's assume that your claim is successful. How would that then relate to the concept of piecework? They wouldn't be pieceworkers, would they?

MR SWALLOW: They would be, but excessive amounts wouldn't be demanded of them. For example, well let's just say that that Paul Carlson, that's one of the ones that left here. He was the best boner at Killafaddy. It would be nothing for him to do 160 a day. Probably the slowest one up there might do 80.

COMMISSIONER GOZZI: You know, I follow the arguments. I'm really -

MR SWALLOW: Yes, if you will just let me finish. That Paul Carlson he's gone. He would probably be no more than 45, maybe around 43, or something. He's gone, he's left the industry never to return. Probably the best mutton boner in Tasmania, without any doubt. Right?

So the slowest one who, say, can do 80, that's half. That's what I am saying. So the only difference if everyone done 80, right, there would obviously be more boners put on. In other words 160 - Paul Carlson wouldn't be allowed to do 160 a day. If there was only 80 to tally he would have only done 80. There would be another boner there doing 80. That's what I am saying.

COMMISSIONER GOZZI: Yes, look, I understand that. I am just saying that doesn't sit, though, with the concept of piecework, does it? I mean, you are really saying that there ought to be a tally system for boning and slicing, and if you have a tally system then you haven't got a piecework system.

MR SWALLOW: Yes, you have.

COMMISSIONER GOZZI: Well, how?

MR SWALLOW: Well, in every other State in Australia they have got piecework. They have got maximum tallies and they have got a minimum. I'll take the minimum first.

They have got a minimum tally of, say, 80. They have got maximum tallies of, say, 90 - say 100. Right?

They can't do any more than 100.

COMMISSIONER GOZZI: All right, so what are you saying then?

MR SWALLOW: They're on piecework.

COMMISSIONER GOZZI: Yes, but what are you - okay, what are you saying then in the context of your claim? You're seeking at this point, anyway, tallies as you've outlined. Well where's a maximum tally; that's a minimum tally. That's just a tally.

MR SWALLOW: Yes, that's just a tally.

COMMISSIONER GOZZI: Yes.

MR SWALLOW: I haven't even mentioned maximum tally yet. The only maximum I've mentioned is the example I just give with Paul Carlson under the old cut throat system.

COMMISSIONER GOZZI: Mm.

MR SWALLOW: The maximum was -

COMMISSIONER GOZZI: All right.

MR SWALLOW: - the sky was the limit, even though it crippled you.

COMMISSIONER GOZZI: So in the context you're saying this ought to be a tally - the exhibit AMIEU.4 -

MR SWALLOW: That ought to be the minimum tally for pieceworkers.

COMMISSIONER GOZZI: What should be the maximum tally?

MR SWALLOW: Well 100 or there equivalent. In other words, I'm saying that there should be a mechanism put in place that makes certain that people in this industry don't have to go as cripples at a very young age.

COMMISSIONER GOZZI: I understand where you're coming from. I understand the submissions. Just let me ask you, to the best of your knowledge, do the piecework rates that are currently in there - in the award, that is the - let's just take 98.26 for the sheep boner - 98.26 cents. Has that got a factor in it reflecting that it is a piecework rate? And the examples you've given me, what's the difference in the rate for a pieceworker - doing the calculation you've done - versus

the rate for somebody that might be on tally? Is there a difference?

MR SWALLOW: No. The only difference is if you divide - that's 400 as against the 381.

COMMISSIONER GOZZI: Where are you getting the 400 from?

MR SWALLOW: Sticking with that top line, the 98.26.

COMMISSIONER GOZZI: Right.

MR SWALLOW: It would be less so divide it.

COMMISSIONER GOZZI: Yes, but - so you're saying there's no difference between - let me put it the other way. The piecework rate doesn't contain any component -

MR SWALLOW: No.

COMMISSIONER GOZZI: - for being piecework.

MR SWALLOW: No, nothing, not a cent. Never has, never will.

COMMISSIONER GOZZI: So you're saying then that there ought to be a minimum tally as per the calculations in AMIEU.4 -

MR SWALLOW: Yes.

COMMISSIONER GOZZI: - and maximums would be what? You'd have to look at that, wouldn't you?

MR SWALLOW: Well if there was a minimum there, it's quite obvious the maximum would be - that would be very easily done.

COMMISSIONER GOZZI: And between the minimum and maximum the piecework would apply.

MR SWALLOW: It depended on what the piecework rate reflected.

COMMISSIONER GOZZI: Well at the moment the piecework rate - the 160 example you used for Mr Carlson will all be done at the same rate.

MR SWALLOW: Yes.

COMMISSIONER GOZZI: Right. Now you're not proposing a different rate, or are you, between minimum and maximum tally?

MR SWALLOW: Yes.

COMMISSIONER GOZZI: You are.

MR SWALLOW: See, in the slaughtering section - probably if I explain it then everyone will understand what I'm about. The slaughtering section is the same tally - is 400 a week. It's less, sorry, it's 390 a week for sheep. Sheep slaughtering 390. Now when they do over 390 they get rate and a half.

COMMISSIONER GOZZI: That's right.

MR SWALLOW: So let's say they do 400. So they done 400 at rate and a half, that would be an extra 18 sheep they'd get paid for rather than - sorry, it would be - sorry, 378. No, it's not, it's 390, sorry. So the 10 sheep -

COMMISSIONER GOZZI: They get 10 extra.

MR SWALLOW: They get 10 extra, plus 5, because they're rate and a half.

COMMISSIONER GOZZI: Yes.

MR SWALLOW: Right. So they get paid an extra 15. They do 400, they get paid an extra 15. So if you work that back they'd get for each head, for the 400, they'd get probably 6 per cent increase overall. Right? So you'd work - if there was 390 at \$1.00, right - probably if I do it this way. If there's 390 at \$1.00 and they done 400 -

COMMISSIONER GOZZI: That would be \$1.50.

MR SWALLOW: Yes. So it would be -

COMMISSIONER GOZZI: Fifteen.

MR SWALLOW: Yes. So they'd get \$390.00 for that. They'd get \$405.00 for that, wouldn't they? They get \$390.00 tally at \$1.00 a head, you do 400, that's plus 15, that would be - you'd get paid \$415.00 for the 400. Right?

COMMISSIONER GOZZI: Four hundred and five.

MR SWALLOW: Sorry, 405, yes. So if you divided that up into your 405, right, the extra 5, instead of getting \$1.00 you'd get an extra 5 per cent, wouldn't you? So every one, the 405, that would be worth \$1.05, is it? Anyway that's near enough. So the 400 would be worth \$1.05, rather than 390 being worth \$1.00. That's what I'm saying. I haven't got a calculator.

Do you understand or is it getting confusing?

COMMISSIONER GOZZI: No, I understand what you mean, but I think you'd better get it perfectly clear what you want me to do, what you're asking me to do. I mean, it seems to be - with respect to you, Mr Swallow, you seem to be thinking on your feet at the moment and that's really one of the problems

that we run into in these proceedings, is that the ball game changes as we go along.

MR SWALLOW: No, no, it hasn't.

COMMISSIONER GOZZI: Well it's changing at the moment to the context that we start off with a tally, now we're looking at minimum and maximum tallies and -

MR SWALLOW: Well once you've got a tally it's minimum.

COMMISSIONER GOZZI: Yes, all right.

MR SWALLOW: Once you've got a tally. See, those tallies there, those tallies in there, before I started adjusting them my way, are minimum and maximum tallies -

COMMISSIONER GOZZI: Yes, they are.

MR SWALLOW: - for the 4 weeks -

COMMISSIONER GOZZI: I can see that in the context of this, yes.

MR SWALLOW: Right. For the 4 weeks they're off they are minimum and maximum tallies.

COMMISSIONER GOZZI: Yes. We got on to this line of discussion was because you referred to awards in other states where they have a minimum and maximum tally and I wanted to know what rate applies between achieving minimum tally and going from minimum tally to maximum tally.

MR SWALLOW: Well they differ.

COMMISSIONER GOZZI: They differ, do they?

MR SWALLOW: Yes. See, they - all states haven't got minimum and maximum tallies. A lot of the states have just got their tally - and we'll just say it's 80 - and they get rate and a half like the slaughtermen get for every one they do after. And that's self-regulating. That's the self-regulating aspect that I spoke about when we last met -

COMMISSIONER GOZZI: Well so we can -

MR SWALLOW: - but it just gets too costly. It's gets too costly for the employers to keep people on doing these ridiculous amounts, you see?

COMMISSIONER GOZZI: Mm. Well you have to jettison in this argument one of the propositions you put. I mean, you can't on the one hand credibly argue for a tally and say, well, you'd forego that if there was some adjustment to annual leave

payments, because the two things are inconsistent, aren't they?

MR SWALLOW: I'm not suggesting that. I'm not suggesting that. The only suggestion I've made - and I certainly hope - I don't want anyone to be under any illusion what the proposition is. That document has been put forward as an exhibit on the basis that when a pieceworker is on annual leave, right -

COMMISSIONER GOZZI: Yes.

MR SWALLOW: - a fair day's work, as far as this commission goes, and the employers go, is that 400 a week is quite adequate. It says down the bottom there: When an employee -

COMMISSIONER GOZZI: This commission has never come to a conclusion on that.

MR SWALLOW: No, but this is down the bottom there. This is what it says: When an employee was ready, willing and available for work and for whom meat for processing is not available, to enable the abovementioned tallies for pieceworkers to be achieved, such employees shall be paid not less than the amount prescribed for the appropriate classification mentioned in clause 8 - Wage Rates, Division B - Boners and Slicers, subclause (i), weekly wage rates as a weekly wage.

Now I'm saying no more than what that says.

COMMISSIONER GOZZI: Well where does that translate to annual leave payments?

MR SWALLOW: Well it translates in a way -

COMMISSIONER GOZZI: I mean, when you're on annual leave you're not ready, willing and able to work. This provision here - I mean, I've never had to concern myself with this provision, but just where you are there now really relates to a situation where stock is not available, then they have to be paid this. Now where in the award does it talk about annual leave and the payment to be made for annual leave? This is just to provide a minimum payment where somebody is ready, willing and able to work - that's the way I read it.

MR SWALLOW: It picks it up in the annual leave provision, I'm sure. We want the annual leave - shiftworkers - piecework - that's a good question. the annual leave clause.

COMMISSIONER GOZZI: What's meant by time rates, Mr Swallow?

MR SWALLOW: Pardon?

COMMISSIONER GOZZI: When the award refers to time rates?

MR SWALLOW: That's time rates, that's a weekly rate.

COMMISSIONER GOZZI: Yes, well - yes, it makes - just talking about holidays, this is public holidays, it talks about employees on piecework shall be paid at time rates.

MR SWALLOW: Yes.

COMMISSIONER GOZZI: All right. So that's what applies.

MR SWALLOW: It doesn't apply to any leave, you say?

COMMISSIONER GOZZI: Well I'm asking the question, does it? Because that proviso on that exhibit of yours doesn't refer to annual leave. It says the proviso relates to where meat for processing is not available. So it's a minimum amount that shall be paid -

MR SWALLOW: When you're not working.

COMMISSIONER GOZZI: When you're ready, willing and able to work and there's nothing there for you to process.

MR SWALLOW: That's the same on holidays, isn't it?

COMMISSIONER GOZZI: Well that's why I asked you the question. That concept relates to being at work. If you're on holidays you're obviously not willing and able to work, are you? You're on holidays. So I just want to know what the award says about it.

MR SWALLOW: Well I can tell you. That was intended to include annual leave.

COMMISSIONER GOZZI: All right. Well let's take that as read then for the time being. So in the context of where we are presently, what precisely is your application? I mean, the application before me is to include -

MR SWALLOW: Those tallies.

COMMISSIONER GOZZI: - export and local boning tallies and export and local slicing tallies and to provide incentive payments to follow-on labour associated with boning and slicing. Now we're currently dealing with tallies and you're really just looking, are you, for a minimum and maximum tally being the same tally.

MR SWALLOW: No, I'm not - I had no intentions of entering debate into a maximum tally, to be truthful. It was only just that you asked the questions as to what applied in other states.

COMMISSIONER GOZZI: All right. So you're looking for tallies as per the exhibit?

MR SWALLOW: Yes.

COMMISSIONER GOZZI: AMIEU.4?

MR SWALLOW: Yes. When I spoke about the tallies, the minimum and maximum, for example, in Victoria, one of the companies present they have a minimum and maximum tallies and I'd say they operate out of New South Wales too, they'd have a minimum and maximum tally there. Other places, other states just have like we have in the slaughtering, they're just rate and a half and it just goes on. And rather than pay the rate and a half the tallies - the amounts required to be processed by the pieceworkers are kept at a very minimum for obvious reasons. It's going to cost more and it's quite obvious it's a sensible approach as far as keeping a person on the job, rather than having him off on workers' compensation.

So really what I'm saying in Tasmania there ought to be a tally in the award for pieceworkers. And the reason why I - just to emphasise the argument that's all that was for - percentages or your per carcass on your right-hand side to actually what the amount related to per week.

COMMISSIONER GOZZI: Right.

MR SWALLOW: In other words, my sensible approach to it would be there ought to be - there's the evidence there that discloses that there ought to be a tally of 381 sheep per week as a reasonable day's work for a piecework mutton boner. That'd be my assessment. Obviously it may not be yours. You might go for 400 because in your opinion it's a reasonable day's work for a mutton boner in Tasmania is 400, where my judgment is -

COMMISSIONER GOZZI: A week?

MR SWALLOW: Sorry, yes, 400 a week. My judgment is that there's the evidence there that discloses a number of things really. It just discloses either the \$374.30 is inappropriate and it ought to be a lot more, and it most certainly it discloses a lot.

COMMISSIONER GOZZI: The test of whether it should be a lot more is something I referred to in the opening comments.

MR SWALLOW: Oh, yes, I accept that. I accept that. And maybe you might come out 100 per cent right on that.

COMMISSIONER GOZZI: I don't think I'll ever get to see the application see the light of day, Mr Swallow.

MR SWALLOW: I think you might. We'll just have to have a look around what this new thing they've got going. I can't understand it yet but as soon as I get my hands on it I'll give you the drum.

COMMISSIONER GOZZI: I can't help but observing that what happens in the federal jurisdiction with respect to the meat industry inquiry is of no interest to me whatsoever.

MR SWALLOW: I wish it was of no interest to me too, I'll give you the tip.

So - so that's what I'm saying; there's something definitely out of kilter there.

COMMISSIONER GOZZI: Mm.

MR SWALLOW: And the reasonable day's work - they talk about productivity instead of giving lip service to it, they ought to, after having a look at those figures, they ought say, well, that Swallow is right again. They should be - what's a reasonable tally and if they want any more well they ought to use a little bit of commonsense and don't have people breaking down every day in the week and paying huge amounts of money while they're off on workers' compensation instead of at work.

COMMISSIONER GOZZI: Mr Swallow, what sort of discussions have you had on this with the employers?

MR SWALLOW: I spoke with - to the - over the years and take to the commission - we're not doing anything - take it to the commission - we'll agree with the commission - and all - just like a cracked record to be truthful. And that's what I mean.

COMMISSIONER GOZZI: Now have you got anything more to say on the - on the wage fixing principles - how the claim would fit in accordance with the wage fixing principles?

MR SWALLOW: Oh, just a little bit on those - just to emphasise a little bit more - the - on your - on your slicing - you know, I think if anybody wants any - put up argument that - that there's not work value changes going on, the slicing area that we just had a look at and if you just confine it to the Japanese export market area, I think you'd have to be a bit of a - a - I'd better not swear - you'd have to be a bit of a - a - I can't think of the word - you'd have to be a slow learner if you didn't accept that there's changes going on because of customer requirements in the Japanese markets. Every container basically becomes - comes - every order that comes into Tasmania - in fact, every container that goes out.

COMMISSIONER GOZZI: Well, we've got another - that's another application.

MR SWALLOW: But again that's the - that's the emphasis on the work value - that's - that's what you asked wasn't it?

COMMISSIONER GOZZI: Well -

MR SWALLOW: I mean I thought work value was based on changes that are to take place and when those changes take place every day in the week.

COMMISSIONER GOZZI: How does that - how does that apply to the work of boners?

MR SWALLOW: It does, because there's boners and slicers. Bone - a person bones and slices, they don't just bone and slice, they bone and slice. So it's part and parcel of their work - it's not all of them of course. Some boners just stick to boning, slicers stick to slicing in some areas, but they - at Killafaddy, for example, they bone and slice. So it's - you know, it's all part and parcel as to what the union claim is that you can - we can do it - the claim can go ahead and - within those guidelines.

And, you'd have to be a slow learner too, I think, if you didn't accept that there's a system in place and the system is creating huge amounts of lost productivity - you couldn't very well say that the union claim to - that will no doubt assist in rectifying the situation is not within the guidelines. I most certainly believe it is. If not, well things will change irrespective.

COMMISSIONER GOZZI: Is there anything -

MR SWALLOW: You see, I - and I say that - I say that not lightly. I - I - in recent months, and I think I might have mentioned it at the last hearing, that I was called to Longford, there just in the last couple of months and the delegate said to me that we want you to tell us what you reckon is a fair thing - a fair day's work. And I said, 'Well, we'll have to go to the commission'. And I mentioned it - I should have thought of this before. I mentioned it - Mr Jak - about what the delegates had said, that they're just about fed up with - with what's going on. And I mentioned about the tally that it could well be that I'd be in a position where I couldn't get out of it, and just say, well look, they're not going to do any more than 'X' amount.

And the response from the management was, well I'll close the place down. So I - if I've got to change, you see, so you mentioned what sort of response - that's the - that's the response. And that's the reason why I'm here really because I'm endeavouring to argue that it's time for change. The -

it's within the guidelines and all of the evidence available says that the system that's in place now is no good.

The costs - you mentioned the costs to the industry there not long ago in some other areas. The cost to the industry in workers' compensation premiums is astronomical - by far the highest in Australia - the Tasmanian meat industry.

COMMISSIONER GOZZI: Where's the evidence for that?

MR SWALLOW: Well, I can produce that too, but I don't think this - you want that.

COMMISSIONER GOZZI: Well, it's not necessarily that I want it. Obviously you're making the submission, but for it to be substantiated obviously you'd need to have some more information.

MR SWALLOW: Yes, I would. Yes, I'll get that to you. It's getting that bad - it's getting that bad that the - the microscope's going over them and it could well be that they'll be made change insurance companies and when they do they'll be in the hands of the Philistines then - it won't be three parts of a million insured or a million insurance premiums, it will be how wide they open their mouth because no-one else will have a bar of them - and you talk about productivity all the time.

COMMISSIONER GOZZI: Mr Swallow, what - so you will undertake to provide that information?

MR SWALLOW: Yes, yes.

COMMISSIONER GOZZI: Alright. What's the practical effect - or what would the practical effect be of doing what you're asking me to do - put tallies for boners and slicers in the award?

MR SWALLOW: Well, if you have a look around - if you have a look around, and not only in Tasmania, if you have a look around and probably if you just had a look in New Zealand, you had a look in some modern plants - I'll give you an example if you want a good example, Mr Commissioner. I was up at Dubbo, and as you know, I - what I was up there for - had a look around the top boning business there last year and I was lucky really, the - the person that owned the place wasn't there and I - the junior delegate took me around and I asked him, I said because of this workers' comp. I just - over the years I just - I just think it's an indictment on the industry when people have to get out of the industry at 45 years of age are darned near cripples, and I think it's an indictment on them and

everything that I can do or tried to do over the years - and it's just obviously just starting to click that people are taking notice of what I'm saying, anything I could do to stop it or reduce it or to keep people there till they're 55, 60, at least - in fact 65 years of age, that's what I'd like to see. They enter the meat industry at a young age and they can stop in there - career paths you mentioned before, and work right up there till they're 65 and retire - that's the picture I'd like to see and that's the picture I hope I'll - I'll have a part of to bring about in my time.

Now - so I'm always good at asking questions around the place and I said to the delegate, I said, 'What's your - what's your workers' compensation rates here?' He said, one to one and a half claims a week. There is - they work two shifts, there's 500 employed - employed at the plant all up, two shifts, and they have one to one and a half people off on workers' compensation a week. In the one of the companies that are represented today, the question was asked, not by me, but a - a fairly influential - in fact probably the most influential in the company was asked - asked a question the other day - I don't now whom - but on this particular day there was 18 workers' compensation claims.

With half the number employed at Dubbo - so in other words if there was - if there was the same amount at Dubbo, there would have been 36 workers' compensation claims at that plant.

Now if that's not an indictment I don't what is.

COMMISSIONER GOZZI: Mr Swallow, is it possible rather than just anecdotal type of examples to put more substantial type of material before the commission?

MR SWALLOW: Most certainly - most certainly.

COMMISSIONER GOZZI: And returning then to the question I started off asking: what would be the practical effect? So you're saying, there would be less workers' compensation in your submission - people staying longer in the industry - what else would be the effect?

MR SWALLOW: Well I think you'd - well, first of all I think you might - my main argument would be that if set a mechanism in place, that people - that pieceworkers - and it'd just be confined to boning and slicing. If we kept - put a mechanism in place that'd allow the pieceworkers to work along at a pace that'd enable them to work in the industry till they're 65, that'd be first. Probably that should be the major goal

COMMISSIONER GOZZI: Yes. Well what evidence is there that they're not staying in the industry longer?

MR SWALLOW: I'll get you all the evidence you like about that.

COMMISSIONER GOZZI: All right. Okay.

MR SWALLOW: I just give you -

COMMISSIONER GOZZI: So that's one effect.

MR SWALLOW: Yes. I venture to say that of all - every pieceworker in Tasmania over, say, the last 10, 15 years, there wouldn't be - there wouldn't be 10 per cent that are in the industry when they're 55 years of age - not 10 per cent.

COMMISSIONER GOZZI: Is that a feeling you have or is that -

MR SWALLOW: No, that's - that'd be fact. That'd be fact.

COMMISSIONER GOZZI: Based on what?

MR SWALLOW: Because they're just burnt out. They can't - you see, if you've -

COMMISSIONER GOZZI: Yes, I accept that, but based on what?

MR SWALLOW: Yes - but if you've got a policy - if you got the current policy of - look, that one I explained there with Carlson - and I mentioned him because he's the best I've seen - he's gone - he's obviously worked in the industry - I'd just say roughly, for 20 years; now he's finished. What I'm saying is that if he had of been working along at a reasonable speed, that man could have still been in the industry and he would have been there till he was 65 - that's what I'm saying.

COMMISSIONER GOZZI: Yes, I understand that.

MR SWALLOW: I - and what backs me up - probably be the visual effect might be the best effect, but I've a good look around. I've had a look around in New Zealand and when I was in New Zealand there a few years ago, I took particular notice at people that are on that mutton chain over there at 60 and 65 years of age. Right. And again, if you checked out their workers' compensation premiums compared to Tasmania, the difference would astound you, and all those figures there are in New Zealand. Every works that's got those workers' compensation figures. I give you the one at Dubbo. We can soon get that, and I could take you everywhere, I'd say, and it would show you that Tasmania's got the worse performance out of any state in Australia in respect to workers' compensation claims and there's only one reason, in my view, and that is not only employers expect it and encouraged to do that, they've stood over - not so much where the chains are at Gilbertsons and UMT at Smيثton. Where the cut throat system been the members are bloody stood over - they're

made work. I could take you to a place now where they're made work till 8 o'clock at night when the sheep are there - from 7 o'clock in the morning till 8 o'clock at night and they wonder why the bloke's 43 year old, he's now - it's this stint - he's off on 5 weeks compensation - and the average earnings they've got to pay when they're workers' compensation, you see, so he'd be earning probably no less than a thousand - it might be - if he's working those 12 hours a day, day in, day out, you can just imagine he's be working twelve, fourteen hundred dollars a week. Paul Carlson.

So the insurance premiums - he's off, instead of being at work - been stood over - 'you do that or you're down the road' or 'I'll get someone else in to do the job'. Right. For that it's costing the - the company is in fact paying, not the 98 cents, but if you take the worker's compensation premium into account, it'd be costing about a dollar darn fifty a head because of the system we've got in place in Tasmania. The only reason.

COMMISSIONER GOZZI: All right. So, obviously, you see a strong case for people staying longer in the industry. Their health and welfare would be better protected.

MR SWALLOW: Of course.

COMMISSIONER GOZZI: Now, I recognise you hold those beliefs very dearly, I think it's important for you to have the opportunity to put more than just what might be described at this stage, informed feeling.

MR SWALLOW: Yes. Right. No -

COMMISSIONER GOZZI: So I'm going to give you the opportunity to do that.

MR SWALLOW: Thank you.

COMMISSIONER GOZZI: So we'll move off those two particular aspects - the people staying in the industry longer and - and workers' compensation and health and safety issues that go with that.

What other practical effects would the imposition of tallies have on the industry in your - in your submission?

MR SWALLOW: Well I think probably as important as those, the product - better product - better - better yields.

COMMISSIONER GOZZI: What do you mean by that?

MR SWALLOW: Well, by slowing up and working - working to a regulated speed instead of the old get the meat off the bone - don't matter how much you leave on it, because all I'm

interested in is getting what meat you can off the bone, what I mean by is, if the speed is regulated, like say it is on the chains there at Gilbertsons they regulate it to - to get the product out a hundred per cent how they want it. But you can't expect people to be going like cut cats, as the saying goes, and get out the same product as what they do when the speed is regulated - that's what - that's what I'm saying. And for that reason the bonus - the bonus to the employer as far as the productivity goes is that they'd be bloody nowhere near as much meat left on the bones to go out down the chute in the by-product section.

COMMISSIONER GOZZI: If Gilbertsons - if Gilbertsons are getting it out a hundred per cent perfect or near a hundred per cent, what's that mean in the context of people not being able to maintain a work pattern commensurate with their skills and - and commensurate with their safety, health, welfare concerns?

MR SWALLOW: I didn't say the speed that's going on out there at the chains was the right speed. In my view that's still too fast.

COMMISSIONER GOZZI: Notwithstanding that in your submission the product comes out okay?

MR SWALLOW: I could - I'd say it could come out better.

COMMISSIONER GOZZI: Well how much better than a hundred per cent can you get? You said Gilbertsons turn it out a hundred per cent.

MR SWALLOW: Oh well, I'm sorry. I - Gilbertsons would say that they turned it out a hundred per cent. But what I'm saying is that the speed they're working at out there is still too fast and - although it's regulated - it's still too fast and they could do better if it was slowed down.

COMMISSIONER GOZZI: So they're still over the sort of tallies you're contemplating in AMIEU.4?

MR SWALLOW: Well though there is a tally out there. There is a tally out there for beef.

COMMISSIONER GOZZI: What's the tally for beef?

MR SWALLOW: Sixteen - bodies per man per day.

COMMISSIONER GOZZI: How does that work - how does that relate to AMIEU.4?

MR SWALLOW: It's a bit over.

COMMISSIONER GOZZI: Well beef on your - on a 5-day week would be -

MR SWALLOW: Eighty four point 5.

COMMISSIONER GOZZI: - would be about 15.

MR SWALLOW: Mm.

COMMISSIONER GOZZI: Is that right?

MR SWALLOW: Mm.

COMMISSIONER GOZZI: Seventy two point five divided by five?

MR SWALLOW: Yes.

COMMISSIONER GOZZI: And they're doing 16?

MR SWALLOW: Yes.

COMMISSIONER GOZZI: Eighty per week.

MR SWALLOW: Yes.

COMMISSIONER GOZZI: Sort of looks like a figure on AMIEU.4.

MR SWALLOW: Oh well it's 80 - that's - that's what I'm saying.

COMMISSIONER GOZZI: Yes, well -

MR SWALLOW: But it's really 60 - for those specified cuts - that's a Japanese, for example - there's two - the Japanese one in my submission is 67.1/3 -

COMMISSIONER GOZZI: Oh, I see.

MR SWALLOW: - that ought to be their tally.

COMMISSIONER GOZZI: So you're talking about - when you're talking now about Gilbertsons you're talking about Japanese beef are you?

MR SWALLOW: Yes, yes, yes.

COMMISSIONER GOZZI: Right. So -

MR SWALLOW: And the other one - it's 67.32 for Japanese beef and 72.1/2 for others.

COMMISSIONER GOZZI: Yes, well - so that the tally at Gilbertsons for beef is 67.32 for - is 80 for Japanese beef? You said 16 -

MR SWALLOW: Yes - it's 80, sorry, yes, it's 80 now, sorry, sorry.

COMMISSIONER GOZZI: Yes. Well what is it for non-Japanese beef?

MR SWALLOW: It's still 80.

COMMISSIONER GOZZI: So it's 80 for everything?

MR SWALLOW: Mm.

COMMISSIONER GOZZI: Alright. Okay, so you're talking about better product, better yield - what else - what other practical effect would there be if you had tallies?

MR SWALLOW: Well considering you've - you've requested I do a little bit more work on the age, the welfare, and the workers' compensation angle, I'm sure that I could, given a little bit of time, I'm sure I could come up with a few other

COMMISSIONER GOZZI: Well I'm just sort of wondering - and I - let me ask you - what effect would it have - what relationship is there between throughput and viability to maintain an industry in the first place? Was that an important consideration in your submission or not?

MR SWALLOW: Of course it is.

COMMISSIONER GOZZI: So what practical effect do you think a tally would have on the viability of the industry per se if you had a tally?

MR SWALLOW: Well, if you just take Killafaddy, for example, those dozen names I rang out - read out before -

COMMISSIONER GOZZI: Mm.

MR SWALLOW: - if that amount - at that amount in workers' compensation - if you get - if you could get it - and let's say it's on average \$1000 a week just - just to pick out a figure - we could do this - we could obviously do an exercise on this also. It's costing you \$100,000 a year in workers' compensation premiums because of the system you work under. Right? And that's the system what I talked about, is look, you do what's put up or you're down the road or we get someone there that will do it. That's the system on the - right? So he gets in and he does that and he works 12 hours a day and it costs them - those 12 - it's costing the company - because of that system, it's costing the company \$100,000 a year. Right. What I'm saying if there are 16 people doing that, right, it

wouldn't be costing the company any more money. Right? Are you with me?

COMMISSIONER GOZZI: Yes, I follow what you say.

MR SWALLOW: It wouldn't be costing the company any more money but they wouldn't be paying out the \$100,000 in workers' compensation premiums. It's such a darn simple exercise.

COMMISSIONER GOZZI: Mr Swallow, I'm going to leave it there. Obviously, you need to do some more -

MR SWALLOW: Yes.

COMMISSIONER GOZZI: - work. I mean, it's up to you. It's your submission.

MR SWALLOW: Yes.

COMMISSIONER GOZZI: I'm quite - if you want to -

MR SWALLOW: Yes, yes - no, I'm -

COMMISSIONER GOZZI: - finish -

MR SWALLOW: Yes, yes.

COMMISSIONER GOZZI: I think you should be totally prepared on the next occasion to conclude your arguments, including that part of the claim which we haven't touched on yet, going to the incentive payments -

MR SWALLOW: Yes.

COMMISSIONER GOZZI: - to follow on labour. Now you haven't addressed that yet.

MR SWALLOW: Would you like me to just tell you -

COMMISSIONER GOZZI: Well we're going to adjourn for lunch, but -

MR SWALLOW: Oh, right. I'll do that after if you like.

COMMISSIONER GOZZI: - you can do it after lunch - certainly that part of it, but we've also got the Japanese Beef one to address if we can, but, yes, if you're ready to go on that, we certainly can continue. But it seems to me that the main thrust of your submissions and why you want a tally for boning and slicing goes to what so far has been supported by you by anecdotal evidence - anecdotal submissions rather, and that is a bit of a problem.

MR SWALLOW: Well I can do better than that anecdotal -

COMMISSIONER GOZZI: Yes, and I think I'll give you the opportunity to do that. If there's anything further usefully you can add after lunch to this application, we'll certainly deal with it. After that, before I ask for a response from the employers, we'll adjourn so that you can complete your case in toto and we'll lock in a date for that at the completion of your submissions today and in the meantime, we'll adjourn till 2.15.

LUNCHEON ADJOURNMENT

COMMISSIONER GOZZI: Mr Swallow, we're still with you in respect of the boning and slicing tallies applications.

MR SWALLOW: Right.

COMMISSIONER GOZZI: Is there anything further you can add at this stage?

MR SWALLOW: Well I've been going through some documents out in the car and I thought I put some of them up as exhibits, and apparently you haven't got them.

COMMISSIONER GOZZI: Well I'm a bit concerned because the only exhibits I've got here, so my associate tells me, is Exhibits AMIEU.1 to 3 which you tendered last time - that's the Federal Meat Industry Award was AMIEU.3 and the document this morning was the AMIEU.4 which sets what you're really looking for.

MR SWALLOW: Well there were others - there were others, and there's one to do with - obviously to do with the boning and slicing tallies as well as this - the claim for double rates for Japanese cattle for slicing and that is the - that was that one; that was put up.

COMMISSIONER GOZZI: But the Japanese slicing one is subject to another application.

MR SWALLOW: Yes, but it's also put in as an exhibit in reference to the tallies for boning and slicing.

COMMISSIONER GOZZI: Well, if it is, I haven't got it.

MR SWALLOW: Well, hang on, we might have to get a couple of - and the other one was again to do with - it was a current policy on overtime for Blue Ribbon; that refers to workers' compensation.

COMMISSIONER GOZZI: No, not - you haven't tendered that, Mr Swallow.

MR SWALLOW: Haven't I? And the other one was -

COMMISSIONER GOZZI: He has? Well we've got a problem then.

MR SWALLOW: The other one was AMIEU.4, another document from Blue Ribbon in relation to tallies again.

COMMISSIONER GOZZI: All right. Well we'll adjourn for a few minutes and we'll sort it out.

SHORT ADJOURNMENT

COMMISSIONER GOZZI: Yes, I've got copies. Now do you want to identify these, Mr Swallow? We've got up to AMIEU.4. Obviously those exhibits hadn't been tendered and it's - they were tendered, but I obviously handed them back to you because they were supposed to be part of the Japanese beef claim.

MR SWALLOW: Well, I would have thought they were part of both.

COMMISSIONER GOZZI: Well you can submit them in this case, but the point is I haven't had them before now.

MR SWALLOW: Oh, sorry. They were submitted.

COMMISSIONER GOZZI: Everybody is nodding wisely as though we had them, but we hadn't had them.

MR SWALLOW: Oh, right.

COMMISSIONER GOZZI: Yes. I think there's an apology due to Mr Hunter -

MR SWALLOW: Wouldn't he take them?

MR EDWARDS: He doesn't look too bad for

MR SWALLOW: Wouldn't he take them?

COMMISSIONER GOZZI: - who was looking for exhibits which the commission didn't have, which is systematic of some of these proceedings where things are done on the run.

MR SWALLOW: It would save me doing it after.

COMMISSIONER GOZZI: Mr Swallow, we've got up to AMIEU.4. How do you want to identify these? Which one goes first?

MR SWALLOW: Oh, well, we can do the Longford slice one.

COMMISSIONER GOZZI: Longford?

MR SWALLOW: We could make that AMIEU.4, if you like.

COMMISSIONER GOZZI: Which one is that one?

MR SWALLOW: The -

COMMISSIONER GOZZI: Slicing. Right, that's AMIEU.5.

MR SWALLOW: AMIEU.5?

COMMISSIONER GOZZI: Yes.

MR SWALLOW: Right.

COMMISSIONER GOZZI: Right.

MR SWALLOW: What we'll do, we'll keep them in order. We'll do the UMT slice, that's the last one I'll put up.

COMMISSIONER GOZZI: AMIEU.6.

MR SWALLOW: AMIEU.6. Before we go on with that, I notice a few spelling mistakes in it and I had a look at the original copy and I think it's a toss up between my new trainee and the person who wrote them down for me at Smithton. So I sort of take 50 per cent of the blame for the spelling mistakes. You see, the last one, for example,

COMMISSIONER GOZZI: Yes.

MR SWALLOW: But you'll find, I think, we all agree that - so that's AMIEU.6.

COMMISSIONER GOZZI: Yes.

MR SWALLOW: We do that short one, Current Policy - Weekend Overtime.

COMMISSIONER GOZZI: AMIEU.7.

MR SWALLOW: AMIEU.7. We do the one that I've got AMIEU.4, but it's obviously not. That's the 2-page document from Blue Ribbon.

COMMISSIONER GOZZI: AMIEU.8.

MR SWALLOW: And the letter from the company, 2-page letter dated 8 June.

COMMISSIONER GOZZI: AMIEU.9.

MR SWALLOW: AMIEU.9. We didn't do that employee questionnaire, did we? So I'll keep that for a rainy day.

COMMISSIONER GOZZI: I haven't got one.

MR SWALLOW: No. I'll keep that. It's only in respect to workers' compensation, that's all. So if we'd like to just conclude on the tallies. AMIEU.5 spells out some of the Japanese requirements at the Longford meat company that change from time to time. What I might point out at this point, as far as Longford goes, I'll be talking to the company in relation to the claim for Jap. in the next week or two. So really what it does it's just to advise the commission that things are changing in the industry, they have been changing. They'll probably change again next week and therefore it sits within the guidelines of the wage fixing principles. That's really all that does.

If we're here again in a month's time they could be totally different. So any argument that comes up that they're not within the guidelines, that's to substantiate as far as the union goes, that it is well within the changing industry. And it's going to change more next week and the week after.

COMMISSIONER GOZZI: Right.

MR SWALLOW: So basically that's what that's for. And also as you said, and rightly so, it does involve the claim for double rates for the Japanese cattle also. And AMIEU.6 is the UMT one, and as I mentioned there before there's a few spelling mistakes in there and I don't -

COMMISSIONER GOZZI: What's that supposed to show, Mr Swallow? That's the different type of requirements.

MR SWALLOW: That's the different type of Japanese customer requirements in Japan. You see, what happens now, they used to - when we first got into the Japanese market to any extent, you'd send a container of meat to Japan and it used to go through about four or five different hands. You know, there's been suggestions that even the Japanese Mafia was involved in it. And now the customer comes over to Longford or Smithton and orders his requirements, whatever they are, and it goes straight to the customer.

So in other words they go over there, they have a look around the boning room and make sure it's being done properly to their specifications. It could change tomorrow. They open a couple of cartons. Particular cuts, whatever they are, they've got to be all in place, everything has got to be done to perfection, and that's the only reason why they get their money. Otherwise they deduct - there's a method of deduction. When it gets to Japan if there's a bit too much fat on it or it's not the proper requirements they just - if the container

is worth \$100,000 they just deduct \$10,000 or \$15,000 off it. And that's all they get. There's nothing they can do about it. They can't very well send the container of meat back to Australia. So everything has got to be done to perfection.

And again, that also is - that involves that double rate for Japanese claim. But if there's anything you want to know a little more about I've got the handwritten one.

COMMISSIONER GOZZI: Well, no, that's all right.

MR SWALLOW: For example, the, that's what it's got there.

COMMISSIONER GOZZI: What's that?

MR SWALLOW: About the eleventh one down.

COMMISSIONER GOZZI: Yes, what's that meant to be?

MR SWALLOW: Well that's typed the same as what the handwritten one is.

COMMISSIONER GOZZI: Well what is it?

MR SWALLOW: That's what it is.

COMMISSIONER GOZZI: Right. Well what part - what's that?

MR SWALLOW: I don't know. And the bailer blades, that looks like it should be bolar blades, down the bottom.

COMMISSIONER GOZZI: Shoulder blades.

MR SWALLOW: Bolar, b-o-l-a-r. She's got bailer there.

COMMISSIONER GOZZI: Right.

MR SWALLOW: So all really that data gives an indication of the changes that have taken place in recent times and there's going to obviously be changes in the future. Maybe you even next week. Again it's only to establish that the union's claim is well within the guidelines.

COMMISSIONER GOZZI: Right.

MR SWALLOW: And exhibit 7 is in relation to the tally submission again.

COMMISSIONER GOZZI: What am I supposed to get from that?

MR SWALLOW: Well I'll just pick it out for you. In item No. 2. We'll just go for one first. Probably if you just - the preamble:

There has been some confusion recently regarding eligibility for weekend overtime.

The arrangement preferred, which is intended to allow for proper planning of weekend work and fair distribution of overtime to employees seeking this, is as follows:

1. Weekend overtime is available to employees who have been absent during the Monday to Friday work week immediately prior to the weekend on which work is available only as set out below.
2. An employee who has been absent due to a prearranged RDO, or Annual Leave, or on Worker's Compensation Leave, and who has returned to full duties prior to Friday, is eligible for selection for weekend overtime.
3. Similarly, an employee who has been absent on approved Compassionate Leave, and who has returned prior to Friday, is eligible for selection for weekend work.
4. An employee who has been absent due to non-work accident or sickness during the week is not eligible for weekend work.

Now, of course, what that means is you have a day off through the week and you're not eligible for overtime.

COMMISSIONER GOZZI: Yes, but how does this help this particular claim on tallies?

MR SWALLOW: Well I indicated there earlier about the incidence of workers' compensation claims there and it's just to reinforce that argument.

COMMISSIONER GOZZI: Well as far as I'm concerned all it does is to say that if you've been on workers' comp. -

MR SWALLOW: You can't work Saturday.

COMMISSIONER GOZZI: Mm.

MR SWALLOW: But I always was led to believe that you was - in fact, on directions from this commission that you was required to work reasonable amounts of overtime.

COMMISSIONER GOZZI: Yes, it's a requirement if you're asked. You can't refuse a reasonable amount of overtime?

Well, obviously you want me to read something into this and I heard what you said. I'm not sure whether statistically the company is going to put up any workers' comp. material, but obviously you're going to address that issue when you come back.

MR SWALLOW: Oh yes, of course.

COMMISSIONER GOZZI: Yes. Alright.

MR SWALLOW: Really, it's to just to reinforce the - what I previously said and obviously next time when we meet I'll have that to put in as exhibit two, so I'll have to go back to that.

COMMISSIONER GOZZI: Right. Very good.

MR SWALLOW: And now they're a lot easier to - to - when they're numbered - the exhibits are numbered - they're easier to relate to and this is a - another letter in relation to tallies -

COMMISSIONER GOZZI: Which one are you looking at now?

MR SWALLOW: - I'm looking at AMIEU.8.

COMMISSIONER GOZZI: Eight - right.

MR SWALLOW: It's another letter from the company in relation to tallies where they've - they obviously admit that what I just said there earlier on was correct - about the excessive amounts and crippling up people and throwing them on the scrap heap and - is - is very close to the mark, when in fact the - they've decided to slow the place up and that's what I was referring to there - so many an hour - but it was obviously so many - the minutes - and I'll just read these into transcript just in case.

COMMISSIONER GOZZI: Well you don't need to read it, Mr Swallow.

MR SWALLOW: No, not all of it.

COMMISSIONER GOZZI: If -

MR SWALLOW: I was just going to read the bottom part - the run, the sheep and the quarters and the tallies.

COMMISSIONER GOZZI: This is - Product will be processed at no greater rate than -

MR SWALLOW: Mm.

COMMISSIONER GOZZI: Right.

MR SWALLOW: And the first - the first run of 70 minutes will be 17 sheep processed and 10 beef quarters. The second run: 80 minutes, 20 sheep, 12 beef quarters. The third run: 60 minutes, 14 sheep, 9 beef quarters. The fourth run: 70 minutes, 17 sheep, 10 beef quarters. And the fifth run: 85 minutes, 21 sheep, 15 beef quarters. Daily maximum total: equal 90 sheep and 54 beef quarters.

And it goes on to say the other - the reason why they're doing it was incoming product condition, quality and yield requirements, meeting of specifications and so on.

So that reinforces the argument that I've put, that there ought to be a commonsense approach adopted by the Tasmanian meat industry in relation to tallies.

COMMISSIONER GOZZI: Right.

MR SWALLOW: And I might add that - I mentioned it before but I'll just reinforce it now, because of the tally situation we've got in place at Longford, we've - we've had none of these problems at that plant and I venture to say that the compensation - the workers' - the incidence of workers' compensation claims at Killafaddy compared to Longford in this particular area, you'd be looking at probably - up to probably 70% more.

COMMISSIONER GOZZI: I thought you said this morning that Longford - the Longford situation was still unacceptable.

MR SWALLOW: Well it's not, it's just I'm giving a comparison - I didn't say it was acceptable, I'm just giving comparison of the two systems. One's got a tally system that they process 16 cattle per man per day.

COMMISSIONER GOZZI: Mm.

MR SWALLOW: And the other has got nothing up until just recently and this claim has been in for a fair while.

COMMISSIONER GOZZI: Which claim?

MR SWALLOW: The - the Jap. cattle - double for Jap. cattle.

COMMISSIONER GOZZI: Yes, but we're not talking about Jap. cattle at the moment are we?

MR SWALLOW: No, but it's -

COMMISSIONER GOZZI: We're talking about boning and slicing tallies.

MR SWALLOW: Yes, but again the Jap. cattle comes into the boning and slicing tally.

COMMISSIONER GOZZI: Yes, I - yes I understand that.

MR SWALLOW: Okay?

COMMISSIONER GOZZI: Yes. But -

MR SWALLOW: We can isolate them -

COMMISSIONER GOZZI: Yes, I know, but -

MR SWALLOW: - but they're -

COMMISSIONER GOZZI: - but you said this morning that the 80 tally for everything at Longford was still a problem to you in the context of your claim, because according to what you've worked out, the Japanese cattle should only be 67.32.

MR SWALLOW: Yes, that's right, yes.

I'm not saying that that sixteen ought to stop there. I'm just giving the example -

COMMISSIONER GOZZI: Right.

MR SWALLOW: - of sixteen against nothing.

COMMISSIONER GOZZI: Well it's sixteen -

MR SWALLOW: Sixteen's better than none.

COMMISSIONER GOZZI: Yes.

MR SWALLOW: If that's what you're looking for.

COMMISSIONER GOZZI: Yes.

MR SWALLOW: At UMT for example, there's no tally. Right. At Longford it's better than what it is at UMT. At least they've got sixteen tally, but they govern their speed on and do all of the sorts of things to improve the product and whatever.

COMMISSIONER GOZZI: And at Killafaddy you've got - does this apply - AMIEU.8, does that apply to Killafaddy only or does it also apply to UMT?

MR SWALLOW: No.

COMMISSIONER GOZZI: Killafaddy it says.

MR SWALLOW: Killafaddy.

COMMISSIONER GOZZI: Yes.

MR SWALLOW: Killafaddy.

COMMISSIONER GOZZI: So what's the beef situation at Killafaddy?

MR SWALLOW: Beef, they - there's four or five - maybe as many as six boners there work on beef all day, every day.

COMMISSIONER GOZZI: So is it correct to say - does that then mean - looking at your exhibit AMIEU.8 in the first 70 minutes, two and a half head are boned. Is that what that means?

MR SWALLOW: In the first 70 minutes?

COMMISSIONER GOZZI: Yes.

MR SWALLOW: Yes, two and a half cattle per man are boned in that first 70 minutes -

COMMISSIONER GOZZI: Yes, going up to three -

MR SWALLOW: - boned and sliced - sorry, boned and sliced.

COMMISSIONER GOZZI: Boned and sliced.

MR SWALLOW: Yes.

COMMISSIONER GOZZI: All right, I'm with you.

MR SWALLOW: Now, the other - exhibit 9 is another letter from the company. The boners on the job decided that that wasn't really good enough. It might obviously assist a little, but it didn't go far enough.

COMMISSIONER GOZZI: What, AMIEU.8 didn't go far enough?

MR SWALLOW: No, that was the employer - that was the employer proposition.

COMMISSIONER GOZZI: Yes. Right.

MR SWALLOW: The members on the job decided that that didn't go far enough and at a meeting on such and such a date, they decided unanimously at a meeting at Killafaddy on Wednesday the 3rd of the sixth 1993, at 9.30 am, the meeting resolved that 80 sheep be the tally and 48 quarters to be the tally for beef boning - that's boning and slicing. That's 80 sheep boned and sliced and 48 quarters, and that's just to - that letter confirms - I wouldn't worry too much about the bottom half of the page, but that's just - that's put there to

emphasise again that at long last the company, and in fact, the major proportion now of the meat industry in Tasmania has accepted that there's got to be change as far as the pieceworkers go.

COMMISSIONER GOZZI: So, at the moment then, at Blue Ribbon, Killafaddy, there's an 80 sheep tally -

MR SWALLOW: And 50 -

COMMISSIONER GOZZI: - and 51 -

MR SWALLOW: - 51 quarters -

COMMISSIONER GOZZI: - quarters of beef.

MR SWALLOW: Yes. Now, again, if anyone needed any more evidence in relation to the changing times in the Tasmanian meat industry, it's there for everyone to see and I venture to say that the union's been the major driver of that position.

All we ask that tallies be inserted into the award - reasonable amounts to enable the people that are employed to stop in their industry till they're 65. It'd be - it'd enhance the career path. I - and to that end - and to that end we - the union's been playing a bit part in trying to get the employers in Tasmania to accept their responsibility to achieve that sort of goal.

COMMISSIONER GOZZI: Career path goal?

MR SWALLOW: Yes. We've - as you're aware, we've - by agreement, we've got in place a trainee provision in both awards and that was put there to - if and when the industry decided to tackle the major problem in the industry and that is the - it's got many names, but probably the burnout syndrome; the - that seems to be the in word - even social workers get that. So, it's a genuine attempt - even though it hasn't been picked up yet, but it's a genuine attempt by the union to enable the start of a career path in the meat industry and to stop there till you're 65 years of age instead of having to be - become a cripple when you're 55 or 40 - 45 or 42. I dealt with a case here some time ago of piecework and he wasn't even 30. He's finished as a meat worker for the rest of his life. And all of the medical evidence that I've got and can produce is that it's the work that causes it. So I think as far as being within the guidelines, I think it sits in there very well. And there ought to be - they ought to accept their responsibilities and not only have agreements in place around the place, but also there are people that - there are boners around the state that are not protected. There are

boners like I mentioned there earlier in the piece who are expected to work 12 and 14 hours a day at this moment in time, and in summer time in particular, daylight till dark. And they finish up on the darn scrap heap by virtue of medical evidence or on the odd occasion, because they've become cripples because of the work they do, they're sacked for other reasons.

And every time I mention a tally to the major companies they say: well take it to the commission. Put up your argument in the commission. We'll agree to the commission's decision. Obviously they've got no option but in other words they say, and they've been saying for years: if you want it changed take it to the commission, put your case, the better case you put up the more chance you get the tallies, and we've got to accept it.

So that's the reason I'm here today. If there had have been a responsible approach and as these changes did take place, there was changes, well I wouldn't be here. But my claim is that the tallies equate on exhibit 4, was it?

COMMISSIONER GOZZI: Mm.

MR SWALLOW: That was in exhibit 4.

COMMISSIONER GOZZI: Exhibit 4, AMIEU.4.

MR SWALLOW: Applied. And I'll conclude on that.

COMMISSIONER GOZZI: Mr Swallow, you know you have to provide some other information in respect of what you've said thus far. But let me just - now that you've concluded for as much as you want to say on the claim today - let me just make a couple of observations, which I think I'd like you to address as well next time.

Quite rightly, I'm going to receive a submission from the employers going to the wage fixing principles. Now I heard what you've said about the principles today, but let me just put to you what the situation with the wage fixing principles is.

The Abattoirs Award and the Meat Trades Award have been processed in the context of structural efficiency increases available under the principles. That is, you've had a 2.5 per cent adjustment, you've had, from the information I have before me, two lots of 3 per cent. Now currently under the wage fixing principles there is no other amount that can be made available in the award unless there is a special case.

Now having said that, I've taken particular note that the way that you've framed your claim and your submissions, there is, in fact, no wage increase per se contemplated. You're looking

for the application of one part of the award to be applied to pieceworkers, and to that extent, on that premise, there is no wage increase. However it does alter the conditions of employment for pieceworkers.

And in that regard, there is a specific wage fixing principle that you have to address. And that goes to the principle relating to conditions of employment which is set out - it's been the same for a number of years now, but the latest one is I think in the October '91 National Wage Case decision and I'll tell you what it says. The principle I'm particularly referring to is headed up conditions of employment. It's on page 20 of the October '91 National Wage Case, and it says:

Except for the flow-on of test case provisions,
applications for changes in conditions -

we'll leave out the next bit and go on:

- will be considered in the light of their cost
implication both directly and through flow-on.

It's necessary, Mr Swallow, given that particular wage fixing principle for you to attempt to identify the cost implications of what you're seeking because the conditions of employment principle goes on and states:

In respect of any application where the cost impact
either directly or through flow-on is, prima
facie, not negligible -

- and it goes to how that application could be processed.

MR SWALLOW: Mm.

COMMISSIONER GOZZI: Now it's important for you to address that wage fixing principle. You're going to provide material with respect to your comments on workers' compensation, the - what I would call - the employee profile in the industry over the last 10 years or so, where you said you wouldn't find many people over the age of 45 or whatever it is, so you can give us some information on employee profile.

And finally, you need to also address the other part of your application if that is still to be prosecuted by you, dealing with incentive payments to follow-on labour. Now that hasn't been specified as to what the claim is there - I'm not sure whether you can do that this afternoon or not - what you're looking for there, but you need to provide information there, and again, you need to look at that in the context of the cost implications vis-a-vis the wage fixing principles, and if you can do that at the next hearing that would just about conclude, subject to anything else you might want to say, it would just about conclude your submission.

I suppose I could indicate to you that you should also address in a real sense, section 36 of the Industrial Relations Act which goes to public interest considerations. Now that - that sort of obligation is on every applicant and if you do that then the employers can respond in toto to what it is that you've put up.

Now having said all that, let me just go back to how we started off this morning; I think it's important, Mr Swallow, when you talk about career paths that some of the comments I made this morning are really considered by you and - and the industry generally and by Mr Edwards and Mr Flynn - that I have been concerned as a commissioner who has an award in his panel which, in my opinion, is in real need of revision.

Now we're talking about structural efficiencies and productivities and so on and so forth - that's one side of the coin. The other side of the coin is that I am not relaxed and haven't been for some time about not having established to my satisfaction - because the case has never been run - the relativity of the general butchers rate in the Meat Trades Award and the slaughtermens rate in the Abattoirs Award to the tradespersons rate.

In a lot of industries those relativities have produced minimum rates adjustments and commensurate with that, career and training modules have been put in place - and that's the other side of that structural efficiency exercise I'm talking about.

I'd just like to make a further observation; that I fully recognise the position you outlined about the federal meat industry inquiry and I feel duty bound to say that I'm not in the federal jurisdiction - you have your view about what should happen there and the employers have theirs. My concern with the state award with the impact on state covered employees and the fact that the award should be a - should be moved in respect to some of those very fundamental issues.

I've taken the liberty just to illustrate what I'm saying to you, of analysing my award area in respect of some of the fundamental changes, and there are only one, two, three - three awards in the private sector that have not been adjusted in terms of relativities and career path movements in my panel.

Whilst some other awards haven't had a specific MRA adjustment or relativity considerations, they relate to such things like Emu Bay Railway who have undergone a significant restructuring exercise, Ferro-Alloys Award - which applies to TEMCO - again a significant exercise there. So where the MRA adjustment hasn't applied those awards have been subject to extensive restructuring with extensive career paths put in place and so

in the true sense there are only three awards in my panel that haven't been processed - two of the Abattoirs Award and the other one is the Meat Trades Award.

So I support what you're saying about career paths and that opportunity is available in those awards.

Mr Swallow, that makes it, I think, fairly clear as to where we are with these applications. The only - the only area that I need to be clarified on now is what you would have in mind in respect to incentive payments for follow on labour, what you're looking at there. Can you articulate that today or do you want to put - give that some thought?

MR SWALLOW: Well I'm sure the industry knows what I want. There wouldn't be anything more certain than that.

COMMISSIONER GOZZI: Oh, yes, I'm pretty sure they do too, but -

MR SWALLOW: Because incentive payments are in the Abattoir Award. They're - they apply in every boning room that I know of, so -

COMMISSIONER GOZZI: Well do you want to specify it here in this claim?

MR SWALLOW: No. Well now I've got to come back, I'd prefer to do it at that point.

COMMISSIONER GOZZI: All right. What sort of time would you be looking at, that you reckon you would need?

MR SWALLOW: Depends on yourself really. I've got a -

COMMISSIONER GOZZI: Well I'm -

MR SWALLOW: - I'm going to have a fair bit of time available now. I just got a grant from the government - Federal Government to put on a training liaison officer -

COMMISSIONER GOZZI: Well there you go.

MR SWALLOW: - and I've got \$30,000 so I'll have - I got a chap that started with me on - last Monday, so I'm going to have a lot more time available to get out around the traps to find out what's going on.

COMMISSIONER GOZZI: All right. I'm just conscious of the fact that again, you know, some of the views you expressed this morning in the context that these things take forever, in

that context I am reactive to the progress and the speed to which the parties can do what they say they're going to do and to make progress in the hearings. Now, we started this on the 29th of June -

MR SWALLOW: The application

COMMISSIONER GOZZI: Yes. 5th of August is today. I'm prepared to schedule it for resumption - could we just go off the record for just a moment?

OFF THE RECORD

COMMISSIONER GOZZI: All right. Off the record we have discussed what I would regard an extensive program of hearings and potential inspections to facilitate the finalisation of this particular matter. The proceedings have been adjourned now to the 14th of September and the hearing on that day will be for Mr Swallow to conclude the AMIEU submissions in respect of boning and slicing tallies and that part of the claim going to payments for follow on labour associated with boning and slicing.

Now before we adjourned, Mr Swallow, I outlined a number of matters that you should address on that day. In the intervening period, however, I would appreciate it, if you could, advise the employers as to what the claim - the detail of that claim -

MR SWALLOW: Well that's what I was just going to

COMMISSIONER GOZZI: Okay. Well if you can do it now, so much the better. So the 14th of September is set aside for that. We have put in place a whole lot of other dates, potential inspections on the 5th of October and the 7th of October. Resumption of hearings for employers to put their preliminary submissions on the 30th of September. So, we've got the 30th of September, 5th and 7th of October, 13th through to 15th of October which will see the matter being disposed of in the commission as far as hearings are concerned, and I would expect that time frame to be adhered to.

On that basis, these proceedings are adjourned to the next hearing date and if you'd like to outline, Mr Swallow, some of the details of the incentive claim, you can do that -

MR SWALLOW: Oh, well, if it's not going to make any difference - I was going to -

COMMISSIONER GOZZI: We'll go off the record.

OFF THE RECORD

COMMISSIONER GOZZI: We'll leave those dates as they are. If subsequently you want to have some discussions and come back to me with some other options, you can do that. Failing me hearing anything different before you leave these premises this afternoon, they are the dates that we have got in place. The dates that I've nominated are the ones that we're going to adhere to.

MR SWALLOW: Right. Yes.

COMMISSIONER GOZZI: If, however, you can work out something different in terms of inspections between now and when you leave, let me know and I'll see if I can accommodate it in my diary. Right. We'll now move to the next matter.

HEARING ADJOURNED