

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 2757 of 1990

IN THE MATTER OF an application
by the Metal and Engineering
Workers' Union formerly the
Association of Draughting,
Supervisory and Technical
Employees, Tasmanian Branch, for
the making the Metal and
Engineering Industry (Tasmania)
Award

T No. 3736 of 1992

IN THE MATTER OF an application
by the Metal and Engineering
Workers' Union to vary the Metal
and Engineering Industry Award

re vary clause 2 - Scope to
include Sheetmetal working

COMMISSIONER WATLING

HOBART, 24 March 1992
Continued from 3/12/91

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER WATLING: I'll take appearances in that matter, please.

MR P. BAKER: Sir, I appear on behalf of the Metals and Engineering Workers' Union, P. BAKER.

COMMISSIONER WATLING: Thank you.

MR J. LONG: If the commission pleases, JEFF LONG, on behalf of FIMEE.

COMMISSIONER WATLING: Good.

MRS H.J. DOWD: If the commission pleases, I appear on behalf of the Federated Clerks Union of Australia, Tasmanian Branch, DOWD H.J.

COMMISSIONER WATLING: Good, thank you.

MR K.D. BECKER: BECKER K.D., I appear on behalf of the Electrical Trades Union.

COMMISSIONER WATLING: Good.

MR S. CLUES: If it please the commission, I appear on behalf of the Tasmanian Confederation of Industries, CLUES S., and appearing with me is MR EDWARDS T.J.

COMMISSIONER WATLING: Good, thank you. Right, how do we want to proceed in this matter?

MR BAKER: Sir, I circulated a draft order to the parties, a document dated the 3rd February of this year, and that document has been circulated to the respondent organisations - yes, the respondent organisations - and Mr Clues and myself have been working through the document and we have all but concluded amendments to it. And what we would propose is that the matter be adjourned into a conference under your chairmanship, and we would take you through the document clause by clause, and indicate to you where the agreement has been reached.

And I might add, that I don't believe, apart from perhaps a minor point, that there is any actual disagreement between the parties. So, perhaps if we sort of spent a good part of the day simply going through the document, we will be in a position tomorrow, barring sort of any unforeseen circumstances, to have typed for you a new draft order. And Thursday we should be in a position for you to make the award in total.

COMMISSIONER WATLING: Right. There will need to be, of course - and I have listed for tomorrow the question the repeal of the Mechanical Engineers and Founders Award as well.

MR BAKER: Well, sir, we should be in a position to do that as well. As I said, there is no basic disagreement between the TCI and ourselves as to the content of the new award. There needs to be some discussions with yourself as to how some of the phrases are done in my modernisation of the award. Mr Clues considers that I may have gone a step too far in a couple of the clauses.

MR CLUES: Only one.

MR BAKER: So we need - we may need, you know, just a sort of - your opinion of what I want to go in there.

COMMISSIONER WATLING: Right.

MR BAKER: But as I said, that aside, there is really nothing that will require arbitration. Certainly nothing that is foreseen that will require arbitration.

COMMISSIONER WATLING: Right. Mr Clues?

MR CLUES: Mr Commissioner, as has been indicated by Mr Baker, the parties have had considerable discussions in relation to the draft document, and there have been a number of areas that have required some amendments. There is an outstanding number of pages - some 30 pages - which we were not able to cover in our meeting yesterday.

Before requiring the assistance of the commission I would ask that we would be afforded time just to address those outstanding pages as to some of the concerns that TCI has before labouring the commission with those, because there may be some argument or contention there.

COMMISSIONER WATLING: Right. So, what you're suggesting is that we go as far as we can today and look at the pages that you've discussed -

MR CLUES: No. What I'd be suggesting is that we would be able to do the whole document today, once the parties have initially addressed a few outstanding pages - just some 30.

COMMISSIONER WATLING: So, you want to adjourn into conference to deal with the other 30 pages.

MR CLUES: Yes.

COMMISSIONER WATLING: Right.

MR CLUES: I believe that would probably be a better way of doing it. We'd be able to deal with the document in toto then with the commission.

COMMISSIONER WATLING: Right. Well, that sounds pretty reasonable to me. Any view to the contrary?

MR BAKER: I don't think it should take too long, because a number of the clauses, like, for example, sick leave and shift work, have basically been lifted unaltered, and they'd comprise 20 of the 30 pages.

COMMISSIONER WATLING: I'd just say that this is also a good time to look at some of the gobbledegook - the transcript people might have trouble spelling that - but there is a lot of rubbish in some of the awards, and I think we could at least put it in plain, simple English so as people can understand what it means. And there's some horrible language in some of the awards.

MR BAKER: The annual leave clause, sir, is a classic example.

COMMISSIONER WATLING: Right. Well, we'll adjourn then to enable you to discuss this. You can let me know when you're ready to go.

INTO CONFERENCE

NO FURTHER PROCEEDINGS RECORDED