

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 2971 of 1991

IN THE MATTER OF an application
by the Federated Miscellaneous
Workers Union of Australia,
Tasmanian Branch to vary the
Boarding Schools and Student
Hostels Award

re title, scope and wage rates

COMMISSIONER IMLACH

Hobart, 19 March 1991

TRANSCRIPT OF PROCEEDINGS

unedited

COMMISSIONER IMLACH: I'll take appearances.

MR K. O'BRIEN: If the commission pleases, I appear for the Federated Miscellaneous Workers Union.

MR S. CLUES: If it please the commission, I appear on behalf of the Tasmanian Confederation of Industries, CLUES S.

COMMISSIONER IMLACH: Thanks, Mr Clues.

MR O'BRIEN: Thank you, Mr Commissioner. This matter is an application to do a number of things and perhaps I thought I should outline the intention of the application today and then indicate what's taken place in discussions this morning between Mr Clues and myself, and a few of the other preliminary matters.

The Boarding Schools and Student Hotels Award currently applies to certain schools that provide residential accommodation for students and also to student hostels not directly connected with schools. This application seeks to vary the title and scope of the award to, in effect, extend the coverage of the award to independent schools generally, understanding of course that there is an agreement registered with this covering the catholic education sector of the independent schools, and by force of the relevant aspects of the act that this award would not apply to those areas covered by that agreement. But the award would by the scope be extended to cover all independent schools, whether they provided residential accommodation or not.

In terms of a number of classifications or duties which would be covered by the award, if it were so extended, our Miscellaneous Workers Award has application in those independent schools which are not boarding schools by virtue of the fact that they are not otherwise covered by awards. There are certain other classifications which are not otherwise covered by awards and there are other classifications which would appear to be covered by other common rule awards of this commission, by virtue of the act and its regulations rather than the direct operation of those other awards.

So what we're proposing is, in effect, an industry award for the industry of independent schools, non-government educational establishments, including boarding schools obviously, and student hostels. The situation, as we understand it, is that there is a parallel award for teaching staff and this would be a non-teaching staff award for independent schools, which would complete the picture as to rational award coverage for the area.

So that's the intention of the application with regards to Parts I and II or clause 1 and 2 of the schedule. In relation to wage rates, this award has not received second structural efficiency payment. We indicated to Mr Sertori of the TCI over a year ago that it was our intention to proceed down the path that I've just outlined, and in addition to establish an appropriate career structure. We have not received satisfactory answers on that matter and we have attempted to pursue the matter and attempted to set up meetings. Unfortunately, we've been unable to do so.

So at this stage we've lodged the application with the intention, unless something changes shortly, to proceed to put argument before the commission. Mr Clues, this morning, who does not normally handle the matter, I understand, has indicated that the TCI would undertake to commence negotiations proper with us within the next 2 weeks. And that on the understanding that we accept that we would be asking that the matter - that the hearing today would be adjourned on the basis that if those proper negotiations do not commence within the timetable or if it becomes clear that there is - it is not going to be fruitful to continue them, that we would be asking the commission to relist this matter for full hearing.

I indicate that we will do everything we can to be available to meet with the employers in that fortnightly period and, subject to other commitments, we'd be prepared to meet Mr Sertori in Launceston if he's unable to travel to Hobart on a - at a mutually convenient time. I think the application in terms of the wage rate speaks for itself and I don't think that there's anything outlandish in terms of what it claims. It's a rational structure, but that's a matter which we would seek to further progress at this stage in terms of those discussions with the Confederation of Industries. If the commission pleases.

COMMISSIONER IMLACH: Yes. Mr O'Brien, just a couple of questions off-the-cuff, and you don't have to answer them if you don't know, but how many - two parts - how many employees do you think are covered by the present award and how many would be covered by the new award?

MR O'BRIEN: Well I couldn't give you precise answers. I think the difference between the present awards that are ours, if I include Miscellaneous Workers, and the extended coverage - it might expand the coverage by as much as 40 per cent depending upon that area of award free coverage and those other areas. I don't have specific details. Judging by the other - the figures that I saw from the catholic area covered by the other agreement, I would believe that it would probably be an equivalent number there. There would probably be 7 to 800 employees including teachers and that teachers would make up probably 60 per cent to 70 per cent of the work force in the - that sector. So, given those figures,

if you - if you were looking at the award coverage from the two awards being extended from, say, 180 to between 250 and 300 that would be the sort of figure that I would - at a rough guess - say would be covered.

COMMISSIONER IMLACH: Right. All right, thanks, Mr O'Brien.

MR O'BRIEN: I guess the other side of it is that at the moment those - the catholic area is covered in part by the agreement and in part by those other two awards so that aspect would be rationalised because we have an agreement with the Catholic Education Employees Association demarking certain areas of work and that part of the area which is not covered by their agreement but our awards would, I guess, come within the purview of this award in the future.

COMMISSIONER IMLACH: Right, thank you, Mr O'Brien. Mr Clues.

MR CLUES: Mr Commissioner, unfortunately I haven't been party to any negotiations prior to today's date, however I can understand the union's concern in wishing to progress the second stage structural efficiency. I don't believe that arbitration is the appropriate procedure for dealing with this particular phase of the National Wage Case and I believe that in presenting this second round of increases to the commission the TCI has for the most part presented consent agreements. We would see that this - well for my part, I would see this being progressed in the same manner. However, in addressing the union's concern in relation to time frame the TCI would be prepared to give an undertaking that within the next 2 weeks negotiations will either have been progressed or dates set for negotiations and on that basis I believe we would be justified this morning in asking the commission for an adjournment if it sees fit. Thank you very much.

COMMISSIONER IMLACH: Yes, thanks, Mr Clues. Well I will grant the adjournment because it seems obvious that the confederation is not ready - I say no more than that, but I will make two points: one is that I'm not in a mad rush to attend to this matter in principle personally, but I'm in the hands of the parties of course, because it's quite significant changes being sought, but on the other hand the second structural efficiency is a matter that ought to be progressed, in my view, so that I'll make the point now that if either one of the parties - I presume the union - is not happy with progress I'll be only too pleased to bring this matter on as soon as possible. That being the case I'll adjourn till I hear from the parties.

HEARING ADJOURNED