



TRANSCRIPT OF PROCEEDINGS

Fair Work Act 2009

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DEPUTY PRESIDENT CLANCY

**AM2014/219 AM2014/227 AM2014/228 AM2014/231 AM2014/233 AM2014/238
AM2014/244 AM2014/245 AM2014/249**

s.156 - 4 yearly review of modern awards

**Four yearly review of modern awards
(AM2014/249)**

Wine Industry Award 2010

Melbourne

10.11 AM, TUESDAY, 10 MAY 2016

PN1

THE DEPUTY PRESIDENT: Thank you everyone. The purposes of this morning is a preliminary conference for a group of group 3 awards. What I've done in terms of future directions is made a date of 30 May, which is a Monday, to deal with the matters that are being raised in relation to each award in a more fulsome way. So today is really a bit exploratory to sort of set out what we might then do on 30 May.

PN2

It seems to me that within this group of awards there are perhaps some sub-groups of a measure of symmetry, and in that sense I'm thinking of the Clerks Private Sector Award and the Legal Services Award dealing with some of the same sort of issues; The Fitness Industry and Sporting Organisations Award; and then a further sub-grouping of the Nursery Award, the Horticultural Award, the Gardening and Landscaping Award, Silviculture, and Wine Industry.

PN3

So what I propose to do this morning is just work out - work through that list, see who is an interested party in respect of all those awards, see where people are located, and then think about where we might - how we might approach the 30th. So this one might be a little bit more unwieldy, but I'm hoping that what it will do is make the 30th a day in which we can set discrete times for discrete awards and groupings, to minimise the inconvenience to all the parties.

PN4

So the first award I'm going to call on is AM2014/219, which is the Clerks Private Sector Award. And if I could take appearances of interested parties in respect of that award, starting first in Melbourne.

PN5

MR COONEY: Yes, Deputy President, Justin Cooney from the Australian Services Union.

PN6

THE DEPUTY PRESIDENT: Thank you, Mr Cooney. Anyone else in Melbourne? Okay. I will then move to Adelaide, please. Anyone on this award?

PN7

MS VAN GORP: Thank you, Deputy President. Van Gorp, K, for Business SA.

PN8

THE DEPUTY PRESIDENT: Thank you. In Sydney, please. In Sydney, please.

PN9

MR JONES-VALLEDOR: Jones-Valledor, initial A, for AFEI.

PN10

THE DEPUTY PRESIDENT: Thank you.

PN11

MS BHATT: Bhatt, initial R, for the Australian Industry Group. And with me is Mr Ferguson, initial B.

PN12

THE DEPUTY PRESIDENT: Thank you.

PN13

MR ARNDT: Arndt, initial J, for New South Wales Business Chamber and Australian business Industrial.

PN14

THE DEPUTY PRESIDENT: Thank you. Okay. In Canberra in respect to this award?

PN15

MS PEARSALL: Not this award, your Honour.

PN16

THE DEPUTY PRESIDENT: Thank you. And Brisbane.

PN17

MR GAGE: I don't think there's anybody here with an interest, Deputy President.

PN18

THE DEPUTY PRESIDENT: Thank you. All right. We will deal with the Clerks Award first. It seems to me that, Mr Cooney, the ASU has so far identified four issues.

PN19

MR COONEY: Yes, it has.

PN20

THE DEPUTY PRESIDENT: And I note in relation to those that the matter you've raised in relation to annualised salary has been referred to a separate Full Bench.

PN21

MR COONEY: Yes.

PN22

THE DEPUTY PRESIDENT: And that matter that you've raised in respect to annual leave loading has or is being dealt with by the annual leave common issue Full Bench.

PN23

MR COONEY: Yes. Thank you.

PN24

THE DEPUTY PRESIDENT: So in terms of this matter, is it just the definition of shift workers and the supporting claim for personal carers' leave?

PN25

MR COONEY: Yes, Deputy President. I guess there were some other matters that were raised in the submissions in reply on Thursday that we would like an opportunity to put a response to. Given the time frames, we've identified a few, I guess I would say on a very preliminary basis, that we think would require a repose from - a more fulsome response.

PN26

THE DEPUTY PRESIDENT: Yes. I appreciate it has only been a short time since the response material. I anticipate that. In terms of the employer organisation groups - and I'm thinking here in terms of the Australian Industry Group, ABI New South Wales Business Chamber, AFEI and Business SA - there are a range of claims that each of you make. Rather than going into them now, might I suggest - and also test the water - as to whether there's any interest amongst yourselves of conferring in relation to the matters that you wish to bring in the three weeks that will lapse between today and the next time this is listed for conference.

PN27

MS BHATT: Deputy President, if I may, it's Ms Bhatt for Ai Group.

PN28

THE DEPUTY PRESIDENT: Yes.

PN29

MS BHATT: As I understand it, the employer parties that have an interest - that have expressed an interest in this award are not seeking substantive variations to the award.

PN30

THE DEPUTY PRESIDENT: Yes.

PN31

MS BHATT: However, submissions have been made by those parties that you have identified in respect of the exposure draft. At first blush it appears to us that there is some degree of commonality amongst the parties regarding the matters that have been raised. Ai Group would be happy to undertake to participate in discussions with the other employer organisations to identify what those matters are, but also to identify any areas in respect of which there might be some contest or dispute.

PN32

Any further conference that is listed, whether that be on 30 May or another date, could also be used to facilitate those discussions. It would appear to us that the very vast majority of the matters that have been identified by the employer parties can be resolved. There doesn't appear to be a great deal of contention. I hear what Mr Cooney has said, however, and that might change if the ASU files a response.

PN33

THE DEPUTY PRESIDENT: Okay. Is there anyone else in Sydney that wants to make any comments?

PN34

MR ARNDT: ABI and New South Wales Business Chamber would be very content with the approach as outlined by Ms Bhatt.

PN35

THE DEPUTY PRESIDENT: Thank you, Ms Bhatt.

PN36

MR JONES-VALLEDOR: AFEI would also agree with that approach.

PN37

THE DEPUTY PRESIDENT: Thank you, Mr Jones-Valledor. All right. Could I suggest - and the same with you, Mr Cooney - what I would hope that would be able to occur, to the extent possible in the next three weeks, is that parties narrow down their issues where that can be narrowed down; any differences; and if as many things can be resolved outside the Commission, that's good.

PN38

I don't know whether there will be time for the employer organisations who are interested to also liaise with the ASU; there may, there may not be; but perhaps if you could keep my chambers updated in that respect. But otherwise we will reconvene at a time on 30 May to take it further.

PN39

My hope is that if we can progress it a little further on the 30th - and this goes for all matters - that I can then send a report to the Full Bench that will be hearing the matters on 6 and 7 June to say that: certain matters have been resolved, and these are the outstanding matters, and this is the nature of them. That's what I'm working towards over the next three weeks.

PN40

So if that's all on the Clerks Award, I will leave it on the basis that the employer organisations will confer amongst themselves and see what matters can be agreed between them, and then, if there's time, there will be perhaps an opportunity to liaise with the ASU. Obviously the full summaries will be out on 20 May which will, I hope, assist the parties as well. It is not anything else, will move on to the next award.

PN41

Okay. The next award could I take appearances for, please, is the Legal Services Award, starting in Melbourne.

PN42

MR COONEY: Yes, Deputy President, Justin Cooney for the Australian Services Union.

PN43

THE DEPUTY PRESIDENT: Thank you, Mr Cooney.

PN44

MS SWEATMAN: Deputy President, Katie Sweatman from K and L Gates for - I will refer to them as the firms. I think we've been referred to as Russell Candy and others.

PN45

THE DEPUTY PRESIDENT: Yes. Thank you. Adelaide.

PN46

MS VAN GORP: Van Gorp, initial K, from Business SA.

PN47

THE DEPUTY PRESIDENT: Thank you. Sydney.

PN48

MS ISHO: Isho, initial L, AFEI, and with me, my colleague, Jones-Valledor, initial A.

PN49

THE DEPUTY PRESIDENT: Thank you.

PN50

MS BHATT: Bhatt, initial R, for Ai Group, and with me is Mr Ferguson, initial B.

PN51

THE DEPUTY PRESIDENT: Thank you.

PN52

MR ARNDT: Arndt, initial J, for Australian Business Industrial and the New South Wales Business Chamber.

PN53

THE DEPUTY PRESIDENT: Thank you. Canberra, I'm assuming no.

PN54

MS PEARSALL: No, Deputy President.

PN55

THE DEPUTY PRESIDENT: Thank you. And similarly in Brisbane?

PN56

MR GAGE: That's correct.

PN57

THE DEPUTY PRESIDENT: Thank you. All right. Now, Mr Cooney, am I right at the moment in terms of your own claims, there's just one in relation to annual salaries?

PN58

MR COONEY: That's correct, your Honour.

PN59

THE DEPUTY PRESIDENT: And going off the last award, that you may obviously want to respond to material that has been subsequently filed by employer parties.

PN60

MR COONEY: Yes, your Honour. Similar to the Clerks Private Sector Award, on a preliminary basis we've identified a number of issues where we would be amenable to changes, and other issues where I think maybe discussions or conferences would help. But we did have a much more, I guess, fixed position, your Honour.

PN61

THE DEPUTY PRESIDENT: On the annualised - - -

PN62

MR COONEY: Sorry, not on the annualised salary, but on - sorry - other issues that were raised on Thursday.

PN63

THE DEPUTY PRESIDENT: Yes. Thank you. Ms Sweatman, on behalf of the law firms, I take it that there's uniformity amongst the claims that you've put there. Is there an interest in conferring with the ASU and the other employer organisations?

PN64

MS SWEATMAN: Yes, certainly. I think in amongst the views that have been expressed, while there is some consistency in approach, there's some diversity in terms of how to achieve the approaches proposed, so I think some discussion would be very helpful in that regard.

PN65

THE DEPUTY PRESIDENT: Okay. I note that on the question of annual salaries, at this stage it looks like yourselves and the ASU have both raised issues in relation to it. There may be some scope to have discussions between yourselves, but equally it may be that you also have discussions with the employer organisations.

PN66

MS SWEATMAN: I think that's correct. And I think in terms of the other substantive variations that the firms are proposing, some of those have been dealt with through the exposure draft and how that has been drafted, and I think some of the other things are matters that we can have some discussions with the ASU and the employer organisations to see if we can narrow those issues.

PN67

THE DEPUTY PRESIDENT: Okay. Thank you. In Sydney, to the same parties, is there an interest in conferring amongst the issues that each of you have raised?

PN68

MS ISHO: Yes, DP.

PN69

THE DEPUTY PRESIDENT: Okay. And - sorry, I beg your pardon.

PN70

MR FERGUSON: Sorry, Deputy President. Mr Ferguson from Ai Group. We would see merit in having some discussions about the substantive claims.

PN71

THE DEPUTY PRESIDENT: You are?

PN72

MR FERGUSON: Yes. We would see merit in that.

PN73

THE DEPUTY PRESIDENT: Yes. Thank you. And Ms Van Gorp, would you like to be a part of those discussions amongst the employer organisations as well?

PN74

MS VAN GORP: Thank you, Deputy President. Yes, we would be happy to confer if we can - yes, we will discuss with the employer groups how we might do that.

PN75

THE DEPUTY PRESIDENT: Yes. I'm sorry, I should have also asked you that question in relation to the Clerks Award. I assume the answer is the same.

PN76

MS VAN GORP: It is indeed. Thank you.

PN77

THE DEPUTY PRESIDENT: I'm going to suggest the same thing for Legal Services, and that is to encourage the parties to confer amongst themselves and in between them to see what common ground can be reached, but also just in terms of identifying the matters ahead of the 30th, what might be able to be dealt with in a programming sense on the 30th. So if there are no more submissions on the Legal Services Award or the Clerks Award, I will move on. If there are any parties who are just here for those two awards and they wish to be excused, they may be.

PN78

MR COONEY: Thank you, deputy President.

PN79

THE DEPUTY PRESIDENT: All right. The next award I'm going to call on is the Fitness Industry Award, please, which is AM2014/227.

PN80

MS MOLONEY: Deputy President, Moloney, initial M, from K and L Gates, appearing on behalf of Gymnastics Australia.

PN81

THE DEPUTY PRESIDENT: Thank you, Ms Moloney. I will grant you permission. Anyone else in Melbourne, please.

PN82

MR MONROE: Deputy President, Monroe, initial J, appearing on behalf of Tennis Australia from K and L Gates.

PN83

THE DEPUTY PRESIDENT: Thank you. Sydney.

PN84

MS ISHO: Isho, initial L, for AFEI, and my colleague, Jones-Valledor, initial A.

PN85

THE DEPUTY PRESIDENT: Thank you.

PN86

MR ARNDT: Arndt, initial J, for ABI and New South Wales Business Chamber.

PN87

THE DEPUTY PRESIDENT: Thank you.

PN88

MS WALSH: Walsh, initial R, for the AWU.

PN89

THE DEPUTY PRESIDENT: Thank you very much. Okay. Now, on my reading of it at the moment, there are - - -

PN90

MR GAGE: Excuse me, Deputy President.

PN91

THE DEPUTY PRESIDENT: Sorry, I beg your pardon. I beg your pardon.

PN92

MR GAGE: It's Taylor, M, and Ross Gage for Aussie Aquatics in Brisbane.

PN93

THE DEPUTY PRESIDENT: Thank you. Sorry, my apologies there. And in Adelaide?

PN94

MS VAN GORP: And in Adelaide.

PN95

THE DEPUTY PRESIDENT: Business SA.

PN96

MS VAN GORP: Van Gorp, K, for Business SA in Adelaide.

PN97

THE DEPUTY PRESIDENT: Thank you. I'm assuming in Canberra, no, for this one.

PN98

MS PEARSALL: That's right.

PN99

THE DEPUTY PRESIDENT: Thank you. Now, in terms of this one, again I would be interested in whether or not the interested parties are again prepared to do some conferencing amongst themselves ahead of the 30th to see whether or not there's commonality against some of the claims that are being put; and then in terms of the AWU claims, whether there is opportunity or time to have some dialogue between the employer parties and the AWU.

PN100

But looking at where everybody is situated and the like, that might be ambitious at this stage. If anyone has got any comments about the way they're seeing things, just on the material that's filed so far, I would be happy to take them at this point.

PN101

MS MOLONEY: Deputy President, they're obviously does seem to be a degree of commonality between - if I can refer to the sporting organisations, being Aussie Aquatics, Tennis Australia and Gymnastics Australia, as well as ABI and Business Australia. Certainly from Gymnastics Australia's perspective we would be very happy to use this three-week period to liaise, I think firstly with the - if I can call them - the employer groups and the sporting organisations in order to understand where any inconsistencies lie; and then once we've reached a position on that, again liaising with the AWU about some of the substantive issues.

PN102

THE DEPUTY PRESIDENT: Thank you, Ms Moloney.

PN103

MR MONROE: Deputy President, are we able to please confirm, Tennis Australia has made some proposed variations to the classifications and the definition of "fitness industry" in the award. Are we able to confirm whether this time between the 10th and the 30th is intended to conference about substantial variations to the award, or simply the exposure drafts?

PN104

THE DEPUTY PRESIDENT: Well, as much progress as can be made as possible. Obviously if things can be agreed and put to one side early, that's good; if there is time for some progress to be made on the more substantive matters and the substantive matters can be narrowed somewhat, that would be useful, too. But, you know, if substantive matters can't be resolved at this point, we will have a look at where they sit on the 30th, and then see where they go from beyond then.

PN105

MR MONROE: And may I ask, Deputy President, the hearings on the - I think it's 6 June - are they directed at any of the substantive variations to the award, or simply the exposure draft?

PN106

THE DEPUTY PRESIDENT: At the moment we will look at the exposure draft, but I will be liaising with the Full Bench, so that's why I need to know in the next few weeks where everything sits.

PN107

MR MONROE: Thank you.

PN108

THE DEPUTY PRESIDENT: If there are substantive matters of a scale that requires a separate Full Bench, the President has indicated that he will constitute a Full Bench to deal with them - a separate Full Bench. So I will need an update on the 30th.

PN109

MR MONROE: On behalf of Tennis Australia, it seems that there is no opposition to the variations that Tennis Australia has proposed as yet, and Fitness Australia seems to have independently not opposed these variations.

PN110

THE DEPUTY PRESIDENT: They do or don't?

PN111

MR MONROE: They do not.

PN112

THE DEPUTY PRESIDENT: They do not. Okay.

PN113

MR MONROE: and Tennis Australia has made no submissions on the exposure drafts.

PN114

THE DEPUTY PRESIDENT: Okay. Thank you, Mr Monroe. In Sydney are there any comments anyone would like to make at this point?

PN115

MS WALSH: Deputy President, Walsh for the AWU.

PN116

THE DEPUTY PRESIDENT: Yes.

PN117

MS WALSH: As I understand it, when you refer to the AWU claims, you're referring to submissions we've made on the exposure draft.

PN118

THE DEPUTY PRESIDENT: Yes.

PN119

MS WALSH: And we do note there are really two issues there that a number of the employer groups have opposed. The first being whether or not overtime

applies to casuals and whether or not casuals are governed by the concept of ordinary hours. As I understand it, that has been referred now to the part-time and casual Full Bench as set out in page 2 of the summary of proposed variations provided by the Commission.

PN120

THE DEPUTY PRESIDENT: Yes.

PN121

MS WALSH: The two other issues were whether or not the 10-hour break between shifts applied between rostered shifts or between the end of one shift and the next shift. We're certainly happy to try and resolve that issue with any of the opposing parties.

PN122

THE DEPUTY PRESIDENT: Yes.

PN123

MS WALSH: And then our only other submission was in relation to inconsistency with section 147 of the Fair Work Act, and I believe there are varied positions in relation to that claim. I think it was Business SA appeared to support that claim. So to that extent we're certainly happy to discuss that with opposing parties. We don't have any proposed variations in relation to this award, and from what I can see we would like to look closer at those claims.

PN124

But at this point we do oppose two of Gymnastics Australia's proposed variations; one being the annual close-down period, and the submission in relation to casual employment for casual employees classified at level 5. There's a submission that they only be engaged for one hour.

PN125

THE DEPUTY PRESIDENT: Thank you, Ms Walsh, that's very useful. So to summarise, the overtime for casuals and the casual ordinary hours, you understand have gone to the Full Bench; you're prepared to have further discussions around the 10-hour break between shifts and the inconsistency with section 147; and you've flagged a couple that you've seen already from amongst employer groups that you would oppose, and there may be more.

PN126

MS WALSH: Sorry, I missed the end of that, but I believe that's correct.

PN127

THE DEPUTY PRESIDENT: You've identified a couple of claims from Gymnastics Australia so far on the material that has recently been filed, but there may be more.

PN128

MS WALSH: Correct. Thank you, Deputy President.

PN129

THE DEPUTY PRESIDENT: Thank you.

PN130

MS MOLONEY: Deputy President, can I just clarify one thing. My understanding is in terms of Aussie Aquatics - and you may be able to clarify this - that initially it was referred to the Full Bench, but it has now been referred back. We just flag that. This is via correspondence on 19 April.

PN131

THE DEPUTY PRESIDENT: Okay. I will confirm that. In Sydney, any of the employer parties there with an interest in this award? It seems as though there's perhaps some coordination to do to have some discussions, but from amongst AFEI or ABI New South Wales Business Chamber, any comments, please.

PN132

MR ARNDT: Deputy President, it seems from the position of ABI and New South Wales Business Chamber that at the very least, to progress this matter forward, some clarity needs to be achieved as to if any of these claims - or if all of them are opposed, and the extent of that opposition. It just occurs to me that perhaps before the 30th at the very least the parties come to a view as to their position on the respective claims, and so that as at the 30th it's very clear what may need to be - what, at least, is in the ballpark of a referral to a Full Bench and what could be whittled down into an agreed matter.

PN133

THE DEPUTY PRESIDENT: Yes.

PN134

MR ARNDT: I note that particularly because the organisations I represent aren't on record as to their positions on the claims. And in terms of progressing our position it might be best if we went on record, or at least made it clear to the other parties as to what our positions are. If there's no opposition, that would progress matters quite quickly, I imagine.

PN135

THE DEPUTY PRESIDENT: Yes. I would imagine that Ms Walsh, on behalf of the AWU, will be working through the material that was most recently filed and will be in a position over the next three weeks to flag which material is opposed. As amongst the parties you represent, is it the case you're still obtaining instructions, or it's just a matter of communicating what positions you take on the various matters?

PN136

MR ARNDT: I think it's a measure of both, Deputy President.

PN137

THE DEPUTY PRESIDENT: Okay. All right. There will need to be some communication amongst yourselves on that. AFEI?

PN138

MR JONES-VALLEDOR: Deputy Commissioner, we would agree that we would, yes, be in a position to just confer with, perhaps, the AWU and the other parties, just to narrow down those issues which are, perhaps, you know, substantive versus non-substantive, and perhaps then go from there, just to narrow down those issues, which we may be able to agree to or not.

PN139

THE DEPUTY PRESIDENT: Thank you. Ms Van Gorp in Adelaide.

PN140

MS VAN GORP: Thank you, Deputy President. Business SA is happy to confer. In their recent response they've indicated that there are a couple of matters that they're happy to talk to the AWU about, and we're open to discussions with the other parties.

PN141

THE DEPUTY PRESIDENT: Thank you. And in Brisbane, Mr Taylor.

PN142

MR TAYLOR: Yes, Mr Deputy President. As far as Aussie Aquatics' situation is at this point in time, we're pursuing significant changes in relation to the contents of schedule A in relation to classification descriptors, specifically those relating to persons employed in or about swim schools involving swim teaching and/or coaching. We note as at this morning there is a mixed response from the other parties who have expressed an interest in this award as to our proposals.

PN143

I would be confident we could resolve those as a consequence of further consultation, and I'm advised by my client that we would move to the extent of making ourselves available to discuss, on a face to face basis, in either Melbourne or Sydney with the primary parties involved with this award, with a view to resolving the issue about the contents of the classifications.

PN144

In relation to other matters that Aussie Aquatics have raised prior to this morning, they basically relate to the application of overtime payments and/or rostering matters for - particularly casuals engaged as swimming teachers who, under the current award, have a one-hour minimum engagement arrangement. I must say, I'm still coming to grips with the various views being expressed, but equally, we would welcome the opportunity for consultation and seek to resolve as many as practicable, the outstanding issues there; again being available to attend in Sydney or Melbourne, a conference or conferences before the 30th.

PN145

But if that's not possible, we're obviously open to telephonic conferencing with a view to resolving as many of these issues as practicable.

PN146

THE DEPUTY PRESIDENT: Thank you, Mr Taylor. The observation I would make is that amongst the representatives for the employer organisations or employee organisations, there are a range of groups, they're located in four

different places, and there are a range of claims that are being pushed - some discrete to particular parts of the Fitness Industry, and others that have more common application. I think in terms of making that progress, it would be good if someone might perhaps coordinate some discussion post-today that at least the employer representatives can work towards.

PN147

I'm in your hands a little in that respect. That's my recommendation, but it may take a little bit of coordination. I'm happy for someone to volunteer to take on that role so that people know now and that the subsequent follow-up communication can be made, but otherwise it - and that will get the ball rolling. So that's my recommendation.

PN148

MS MOLONEY: Deputy President, just confirming I, on behalf of Gymnastics Australia, and I would be very happy to coordinate the parties. Just in terms of in the first instance would it be possible - I've heard some names here today and I'm not sure whether they're reflected in the submissions, but would it be possible for everyone to email your associate with their email address, and then if your associate could pass that on to me, I will then start the email chain going, just so that we know we've got the right people, because I know it can take some time in some organisations to find the right people.

PN149

THE DEPUTY PRESIDENT: Yes, I think that's good suggestion. Thank you, Ms Maloney. So if the parties who are interested in this award please confirm their contact person and send contact details through to my associate, and then we will distribute them on to Ms Maloney for the purposes of those discussions.

PN150

MS SWEATMAN: Deputy President, if I can latch onto that excellent idea of my colleague, if any of those in Sydney in respect of the Legal Services Award can do the same. I've arranged a discussion with Mr Cooney, but if the AFEI, et cetera, are able to do the same for the Legal Services Award, that would be very helpful.

PN151

THE DEPUTY PRESIDENT: Okay. Thank you. Did that come through in Sydney?

PN152

MS ISHO: Yes, it did.

PN153

MS VAN GORP: I'm not really clear of what the discussion I got, but it was regarding the Legal Services Award.

PN154

THE DEPUTY PRESIDENT: The recommendation is - and might I just say if everyone who is appearing in any matter this morning just confirm their contact person for the purposes of ongoing discussions between now and the 30th with my associate, we will then distribute those contact details to the party that has

undertaken to coordinate that. Now, in terms of the Legal Industry Award and the Clerks Award, I think that's the Australian Industry Group in Sydney that's going to coordinate; in respect of the Fitness Industry Award it's Ms Maloney from K and L Gates.

PN155

All right. Thank you. I think now if we move on to the Sporting Organisations Award, which is AM2014/245. If I could take appearances, please, in Melbourne. And again, if any party has finished, they may be excused. All right. No one in Melbourne? In Adelaide, please.

PN156

MS VAN GORP: Thank you, Deputy President. Van Gorp, initial K, for Business SA.

PN157

THE DEPUTY PRESIDENT: Thank you, Ms Van Gorp. In Sydney.

PN158

MS ISHO: Isho, initial L, for AFEI, and my colleague, Jones-Valledor, initial A.

PN159

THE DEPUTY PRESIDENT: Thank you.

PN160

MS WALSH: Walsh, initial R, for the AWU.

PN161

THE DEPUTY PRESIDENT: Thank you. Canberra, no, I take it?

PN162

MS PEARSALL: That's right.

PN163

THE DEPUTY PRESIDENT: Thank you. And Brisbane, I'm assuming you're finished for this morning.

PN164

MR TAYLOR: Yes, Commissioner - Deputy President. And for the purposes of the other awards, we believe there will be nobody else in Brisbane present.

PN165

THE DEPUTY PRESIDENT: Thank you.

PN166

MR TAYLOR: Thank you.

PN167

THE DEPUTY PRESIDENT: All right. So, Ms Walsh, maybe if I start with you on this award. My reading of it is that there are about seven discrete claims that you've put forward, two of which you may have reached an agreed position with Business SA.

PN168

MS WALSH: As I understand it there are - again, we don't have any proposed variations, there are just the two that have been lodged by Business SA - well, one by Business SA, and I believe the other by Professional Footballers Australia. The latter was about coverage to include professional footballers, and that was discontinued last week.

PN169

THE DEPUTY PRESIDENT: Yes.

PN170

MS WALSH: And the former being Business SA's claim in relation to an overtime meal allowance not being applicable where staff have had more than 24 hours' notice. Those are the only two that I'm aware of. We do oppose the claim by Business SA. As to our claims, we are aware of two claims that have been opposed by AFEI and Business SA, although we do believe there may just be a bit of misunderstanding between the parties. And as far as I can see, our claims weren't inconsistent with my understanding of those parties' submissions on the exposure draft, so probably can reach agreement on those.

PN171

THE DEPUTY PRESIDENT: Okay. Thank you, Ms Walsh. I will stay in Sydney. Ms Isho, have you got any comments?

PN172

MS ISHO: Thank you, Deputy President. At the moment we continue to oppose the amendment referred to by Ms Walsh, but if there has been some misunderstanding, we are happy to discuss and confer before the 30th. With the outstanding issue with overtime meal allowances, AFEI continues to oppose that.

PN173

THE DEPUTY PRESIDENT: Okay. And Ms Van Gorp.

PN174

MS VAN GORP: Thank you, Deputy President. Business SA is happy to discuss the overtime meal allowance matter with the other parties, and we may be able to resolve it. And we're also happy to discuss with the other parties their various claims that we may not have agreed to, but if there is misunderstanding, then we would be happy to resolve that.

PN175

THE DEPUTY PRESIDENT: Okay. Thank you. Well, what I might suggest or recommend in this award is for business SA and AFEI to have an initial discussion and see what matters are agreed between themselves, and then have a further discussion with the AWU based on that. It sounds as though some progress can be made between now and the 30th to narrow the matters in dispute, so I commend that action to you - the discussions. And as with the other matters, we will circulate the contact details so that you can get in touch with each other.

PN176

Unless there's anything else on the Sporting Organisations Award, and I will move on to the next award. Nothing further? Okay. Any party who has finished with the awards they're interested in may be excused at this point. I'm going to call on the Horticulture Award, please. So if I could take appearances here in Melbourne first.

PN177

MS BARRETT: If it pleases the tribunal, Barrett, initial E, from the National Union of Workers, and we support the submissions of the AWU on drafting and technical issues that were filed on 14 April and 5 May.

PN178

THE DEPUTY PRESIDENT: Thank you. In Adelaide, please.

PN179

MS VAN GORP: Van Gorp, initial K, for Business SA. And we did have - we were not able to hear the previous speaker.

PN180

THE DEPUTY PRESIDENT: It's Ms Barrett from the National Union of Workers, who has indicated that the National Union of Workers is supporting the submissions of the Australian Workers Union.

PN181

MS VAN GORP: Thank you, Deputy President.

PN182

THE DEPUTY PRESIDENT: Thank you. Anyone else in Adelaide? No? Okay. Sydney, please.

PN183

MS ISHO: Isho, initial L, for AFEI, and my colleague, Jones-Valledor, initial A.

PN184

THE DEPUTY PRESIDENT: Thank you, Ms Isho.

PN185

MR CRAWFORD: Deputy President, Crawford, initial S, from the Australian Workers Union.

PN186

THE DEPUTY PRESIDENT: Thank you, Mr Crawford. Yes.

PN187

MS BHATT: If it pleases, Bhatt, initial R, for Ai Group, with Mr Ferguson, initial B.

PN188

THE DEPUTY PRESIDENT: Thank you, Ms Bhatt.

PN189

MR ARNDT: Arndt, initial J, for ABI and New South Wales Business Chamber.

PN190

THE DEPUTY PRESIDENT: Thank you, Mr Arndt. Canberra.

PN191

MS PEARSALL: Pearsall, initial K, for the National Farmers Federation.

PN192

THE DEPUTY PRESIDENT: Thank you, Ms Pearsall. All right. I just wanted to confirm, is there anyone here for the Voice of Horticulture? No. Okay. There seems to be a large number of claims that have been made in relation to this award. My estimate at the moment is that approximately 12 or so have been referred to other proceedings; nine to the casual and part-time Full Bench; one that was dealt with in the award flexibility matter; there's the National Farmers Federation claim for annualised salary, which I understand has been referred to a separate Full Bench; and the Business SA claim on payment on termination, which I understand has been referred to a separate Full Bench.

PN193

That still leaves a significant number of claims. It strikes me that there could be some utility in having discussions amongst the employer parties because there have been a reasonable number of claims put by some of you, to work through that; and from the AWU's perspective, I imagine you're working through the material that was most recently filed. I'm happy to take any comments first, Mr Crawford from the AWU, about any matters that you concede at this stage.

PN194

But as with the other matters, I've indicated that what I had hoped to do is have the issues in dispute narrowed to the extent that they can be ahead of a conference on 30 May. I will start with you, Mr Crawford.

PN195

MR CRAWFORD: Deputy President, is there an indication regarding when we might receive the latest summary of submissions document?

PN196

THE DEPUTY PRESIDENT: At the moment it's 20 May.

PN197

MR CRAWFORD: Because as you indicated, we are still looking - we haven't had a chance to look much at the reply submissions yet.

PN198

THE DEPUTY PRESIDENT: Yes.

PN199

MR CRAWFORD: I do think there are a lot of submissions that concern quite strict technical issues, and a lot of those, it seems to me, have been agreed or potentially might be agreed perhaps before the hearings in June. However, on a quick glance I suspect there will be a reasonable number of issues that the parties won't be able to resolve, and ultimately there will need to be, probably, a decision from the Full Bench on them.

PN200

But from our experience, the most efficient course of action would perhaps be following receipt of a summary of submissions document, which presumably will confirm that a large number of matters have actually been agreed; and if the parties can then confer just to, I guess, clarify those matters are agreed, and then potentially to also sort out a few of the other minor issues; and then presumably before the next conference on 30 May we could hopefully give you quite clear indication of what matters will probably have to be determined for us.

PN201

THE DEPUTY PRESIDENT: Thank you, Mr Crawford. Yes, that would certainly help bring things into focus on the 30th. What I take out of that is that you will be looking closely at the summary document once it's out on the 20th, and if there's an opportunity to speak to the employers before the 30th to narrowed things down, you're open to that.

PN202

MR CRAWFORD: Yes. And given the course of action for other awards, we would be comfortable to try and facilitate the discussion, but we do think it would be best if that occurs after the summary of submissions document is received.

PN203

THE DEPUTY PRESIDENT: Yes. Okay. Thank you, Mr Crawford. On behalf of the employers, perhaps if you could give me an indication of how far progressed each of you are in your work on this award and whether there's an interest in comparing amongst yourselves ahead of the 30th, please. I will start in Sydney.

PN204

MS BHATT: Deputy President, it's Ms Bhatt for Ai Group. As you have identified and as the AWU has identified, there are a significant number of parties that have filed submissions in respect of the exposure draft, and there appear to be quite a number of issues that have been raised. We have reviewed some, but not all of the material that has been filed in reply - and admittedly, that was at pace - but it appears to us that there would be quite a number of matters in respect of which there is some contest or dispute.

PN205

That we agree with Mr Crawford that any discussions that are undertaken between the parties would be most productive and efficient once the summary of submissions has been published, particularly in light of the number of matters that have been raised; and that, of course, still leaves the substantive claims that have been made by the various parties. So whilst we don't have any reservations in engaging with discussions either with the employer parties and/or with the AWU, I think that those should occur after the summary of submissions have been published.

PN206

It is also our view, Deputy President - and I make this submission subject, of course, to the Commission's convenience and availability, and our position will be

the same in respect of the Wine Award when we come to it - that the parties may benefit from those two awards being listed the conference on a separate day.

PN207

It appears to us that there might already be seven awards that are listed before you on 30 May, but if the parties have the assistance of the Commission and were able to work through the various issues raised in respect of the exposure draft and the substantive claims, with the benefit of the summary of submissions, we think that that might be the most efficient way of reducing the number of contested items - -
-

PN208

THE DEPUTY PRESIDENT: You're just fading in and out occasionally, Ms Bhatt.

PN209

MS BHATT: I'm sorry, Deputy President. If the matter can be listed on a separate day for conference it, with the Commission's assistance, we think that that might be the most productive and efficient way of working through the matters that have been raised. I note - - -

PN210

THE DEPUTY PRESIDENT: There was one other award you mentioned, which was - there was Horticulture and another award.

PN211

MS BHATT: The Wine Industry Award.

PN212

THE DEPUTY PRESIDENT: Wine Industry. Okay. Thank you.

PN213

MS BHATT: The Wine Industry Award.

PN214

THE DEPUTY PRESIDENT: Thank you. Yes.

PN215

MS BHATT: If I can just make one other observations in respect of substantive claims that are sought to this award. It might be that parties have not yet identified the specific terms of the variations that are sought. It might assist the parties and the progress of these matters if parties can try to engage in some discussions prior to the next conference and endeavour to file, if at all possible, specific terms of the variations that are sought.

PN216

THE DEPUTY PRESIDENT: Yes. Thank you, Ms Bhatt. Obviously on that last point, the sooner the better. And I hear what you say about the summary document on the 20th, but obviously any preliminary dialogue you can have this side of the 20th would also be useful. All right. I will need to review where we get to at the end of the day in terms of the 30th, but I'm open to having a separate

listing for the Horticultural and Wine Industry if it will assist addressing those two matters ahead of the 6th and 7th, so we will see whether we can build that into the program.

PN217

MS BHATT: Thank you, Deputy President.

PN218

THE DEPUTY PRESIDENT: In Sydney, any additional comments, please, from either Ms Isho or Mr Arndt.

PN219

MR JONES-VALLEDOR: Deputy President, Aaron here from AFEI. Yes, we would not oppose the suggested approach from AiG or the AWU.

PN220

THE DEPUTY PRESIDENT: Yes.

PN221

MR ARNDT: Arndt from ABI and New South Wales Business Chamber. The position put by Mr Crawford and Ms Bhatt seems to be very sensible, particularly in relation to the commonality between - at least in terms of some of the parties - between Horticulture and Wine. It appears that if those matters had a more focused listing date and conference date, that the complexities of those two awards might be assisted - or straightened out, rather.

PN222

THE DEPUTY PRESIDENT: Thank you, Mr Arndt. Ms Van Gorp?

PN223

MS VAN GORP: Deputy President, whilst we're not involved in the Wine Industry matter, we wouldn't object to the process outlined by the parties so far.

PN224

THE DEPUTY PRESIDENT: Thank you. And Ms Pearsall, from your perspective, please.

PN225

MS PEARSALL: Deputy President, we don't oppose the process put forward by Ms Bhatt and Mr Crawford for discussion before the next conference.

PN226

THE DEPUTY PRESIDENT: Thank you. Look, I will leave that on that basis. Perhaps if one of the parties in Sydney could take up a coordination role for the employer groups, noting that Ms Van Gorp is in South Australia and Ms Pearsall is in Canberra. I will look at a separate listing for Horticulture and Wine, and perhaps it might be useful, while we're on that subject, to discuss the Wine Industry now. So if I could take appearances for the Wine Industry, noting that there may be largely the same players, with the exception of the South Australian Wine Industry Association.

PN227

For the record I will call the Wine Industry Award and take appearances. This is AM2014/249. I will take appearances first in Melbourne. No? Thank you. In Adelaide, please.

PN228

MR WALLGREN: Appearing for the South Australian Wine Industry Association, Wallgren, initial H.

PN229

THE DEPUTY PRESIDENT: Thank you, Mr Wallgren.

PN230

MR BLEWETT: And Blewett, initial S, for United Voice.

PN231

THE DEPUTY PRESIDENT: Thank you, Mr Blewett. Okay. In Sydney, please.

PN232

MS ISHO: Isho, initial L, for AFEI, and my colleague, Jones-Valledor, initial A.

PN233

THE DEPUTY PRESIDENT: Thank you, Ms Isho.

PN234

MR CRAWFORD: Crawford, initial S, from the AWU, Deputy President.

PN235

THE DEPUTY PRESIDENT: Thank you, Mr Crawford.

PN236

MS BHATT: If it please, Bhatt, initial R, for Ai Group. And with me is Mr Ferguson, initial B.

PN237

THE DEPUTY PRESIDENT: Thank you, Ms Bhatt.

PN238

MR ARNDT: Arndt, initial J, from Australian Business Industrial and the New South Wales Business Chamber.

PN239

THE DEPUTY PRESIDENT: Thank you, Mr Arndt. And in Canberra, please.

PN240

MS PEARSALL: Pearsall, initial K, for the National Farmers Federation.

PN241

THE DEPUTY PRESIDENT: Thank you, Ms Pearsall. All right. Now, unless there's anything additional to the conversations that we've just had in relation to the Horticulture Award, maybe I will start with Mr Wallgren and just say if there's anything from your perspective that would differ.

PN242

MR WALLGREN: Yes. Yes, there is, in that I suppose we are in a bit of a unique situation in that our interest is really limited to the Wine Industry Award. I'm not opposed to having the Wine Industry Award and the Horticulture Award listed on the same day, but the issues are quite separate and we wouldn't want a - -

PN243

THE DEPUTY PRESIDENT: It won't be at the same time. It won't be at the same time.

PN244

MR WALLGREN: Yes, okay. That's fine. So as long as it's the same day but not the same time, we don't have an issue with that.

PN245

THE DEPUTY PRESIDENT: Yes.

PN246

MR WALLGREN: We have had discussions with the parties on a couple of occasions last year in relation to substantive issues, as well as conferences before Hampton, so I think we understand each other's positions in those substantive issues. So any discussions, we would want to focus on the exposure draft. And having looked at some of the submissions, I think there is scope for some agreement in relation to some issues, but not all.

PN247

THE DEPUTY PRESIDENT: Okay. Thank you, Mr Wallgren. Mr Blewett.

PN248

MR BLEWETT: I largely concur with that which Mr Wallgren has just said. In relation to the substantive claims, I think they have now been - there's a Full Bench convened to deal with a couple of our substantive claims; some of the industry association's claims have been referred to the casual Full Bench and/or the penalties Full Bench. So I think in terms of substantive claims, those are pretty well organised, I believe.

PN249

In relation to the exposure draft, it would seem to me while there are quite a number of issues, most of those are of pretty small moment, and ought be able to be agreed, and so I would be happy to participate in whatever conferences other people think are sensible to try and achieve that end.

PN250

THE DEPUTY PRESIDENT: Thank you, Mr Blewett.

PN251

MR WALLGREN: Sorry, Deputy President. We would be happy to coordinate any conference between the parties before the 30th, or whichever date is indicated to the Wine Industry Award.

PN252

THE DEPUTY PRESIDENT: Thank you, Mr Wallgren, I will take you up on that. And again, if the parties send their contact details and confirm them to my associate, we will then distribute them to you, Mr Wallgren. In Sydney, please.

PN253

MR CRAWFORD: Deputy President, it's Crawford, initial S, from the AWU. Just glancing through our reply submissions, I mean, it looks like we've agreed with a lot of the amendments proposed by the employer parties, so I think this award is one whereby we could probably make a lot of progress in terms of resolving a lot of issues prior to the hearings in June.

PN254

As has already been alluded to, the substantive matters have largely been raised and allocated off elsewhere earlier on, so I think this award is probably in a bit of a simpler category to the Horticulture Award.

PN255

THE DEPUTY PRESIDENT: Thank you, Mr Crawford. Any of the other parties in Sydney, please.

PN256

MS BHATT: I have nothing to add to our earlier submissions. Thank you, Deputy President.

PN257

THE DEPUTY PRESIDENT: Thank you, Ms Bhatt. Who was that, Ms Isho or Ms Bhatt?

PN258

MS BHATT: Ms Bhatt.

PN259

THE DEPUTY PRESIDENT: Thank you. All right. Look, I will leave it on the basis. Mr Wallgren will coordinate some discussions firstly amongst employer parties and then, time permitting, with the unions. I will look at scheduling a discrete conference for the Wine Industry Award in order that there can be some progress ahead of 6 and 7 June. Thank you. If there are any parties that have finished as a result of that matter being concluded, you may be excused.

PN260

I will call on now the Nursery Award, please. That's award AM2014/238. And there's no one in Melbourne, so I will start firstly in Adelaide.

PN261

MS VAN GORP: Thank you, Deputy President. Van Gorp, initial K, for Business SA.

PN262

THE DEPUTY PRESIDENT: Thank you, Ms Van Gorp. Yes, in Sydney.

PN263

MS ISHO: Isho, initial L, for AFEI, and my colleague, Jones-Valledor, initial A.

PN264

THE DEPUTY PRESIDENT: Thank you, Ms Isho. Yes.

PN265

MR CRAWFORD: Crawford, initial S, from the AWU, Deputy President.

PN266

THE DEPUTY PRESIDENT: Thank you, Mr Crawford. Yes.

PN267

MR ARNDT: Arndt, initial J, from New South Wales Business Chamber and Australian Business Industrial.

PN268

THE DEPUTY PRESIDENT: Thank you, Mr Arndt. Okay, I think that is everyone. What I'm reading with this award is that there seemed to be about a dozen submissions from the AWU; about 10 from Business SA; and three also from each of AFEI and ABI New South Wales Business Chamber. So the question I - but in particular, there's one clause, I think it's clause 13.1 in the exposure draft, where a question has been raised. It seems as though there are a range of answers to that question from - I think there are about four different answers from the four interested parties.

PN269

So my suggestion is here that firstly perhaps if the employer parties confer, and then with the AWU, time permitting. Are there any other comments that would be made, from what the parties have seen of the exposure draft and the material that was recently submitted in reply? Happy to start with you, Ms Van Gorp.

PN270

MS VAN GORP: Thank you, Deputy President. There are items that we have responded that we didn't agree with that are proposed by the AWU, but it appears that we are in agreement with most of the other employer positions. But we are happy to talk to - as we've talked about before - discuss with the employers first, and then perhaps have a discussion with the AWU to see if we can resolve any of these matters.

PN271

THE DEPUTY PRESIDENT: Thank you, Ms Van Gorp. I will ask Mr Arndt in Sydney.

PN272

MR ARNDT: It appears to us that this award is similar to the - I believe it was the Wine Award referred to by Mr Crawford, that a lot of progress could be made by the parties in coordinating a position as to what is left to be decided. We will be happy to volunteer, in respect of this award, to facilitate or organise those discussions. And again, like the other awards, it's probably best done once we're in receipt of the summary of submissions. But this award looks like significant

progress could be made in anticipation and in preparation of the listing on the 30th.

PN273

THE DEPUTY PRESIDENT: Thank you, Mr Arndt. Ms Isho.

INTERMITTENT INTERFERENCE ON VIDEO LINK [11.21 AM]

PN274

MS ISHO: Deputy President, we're in agreement with that too. If it assists as well, with Business SA's submission concerning part-time employment rosters, AFEI doesn't (indistinct) opposing that, but we just would like to see a draft of the wording, just to assist us in reaching an agreement and just making sure we're not wasting time come the 30th (indistinct).

PN275

MS VAN GORP: Certainly, we can have a look at that.

PN276

MS ISHO: Thank you.

PN277

THE DEPUTY PRESIDENT: Thank you. And Mr Crawford.

PN278

MR CRAWFORD: I don't think there's anything I could really add to all that, Deputy President.

PN279

THE DEPUTY PRESIDENT: Thank you. All right. Look, it seems to me that there might be able to be had some initial discussions amongst the employer parties. Mr Arndt is happy to facilitate those. They may or may not be before 20 May; and then some further discussions with Mr Crawford from the AWU. So I commend that course of discussions to you. And if there are no more comments, we will move on to the next award.

PN280

I will call on now the Gardening and Landscaping Services Award, that's AM2014/228. I will take appearances firstly in Adelaide.

PN281

MS VAN GORP: Thank you, Deputy President. Van Gorp, K, for Business SA.

PN282

THE DEPUTY PRESIDENT: Thank you, Ms Van Gorp. And in Sydney, please.

PN283

MS ISHO: Isho, initial L, for AFEI, and my colleague, Jones-Valledor, initial A.

PN284

THE DEPUTY PRESIDENT: Thank you. Ms Isho.

PN285

MR CRAWFORD: And Crawford, initial S, from the AWU.

PN286

THE DEPUTY PRESIDENT: Thank you, Mr Crawford.

PN287

MR ARNDT: Arndt, initial J, from Australian Business Industrial and New South Wales Business Chamber.

PN288

THE DEPUTY PRESIDENT: Thank you, Mr Arndt. Okay. And my reading of this there are about 28 AWU claims, with possibly around six agreed so far; and then the balance of the claims are from amongst each of the other employer organisations that have indicated an interest. So it seems to me as though a similar course could be adopted here as that which we just discussed for the Nursery Award, please.

PN289

Are there any comments to a different effect? I wonder, then, whether, Mr Arndt, you're happy to coordinate with Ms Isho and Ms Van Gorp initially, and then see whether a discussion can be arranged with Mr Crawford.

PN290

MR ARNDT: Deputy President, I was of the same mind. I was just conferring with my colleagues at the bar table as to whether they were the same parties, but I think that's the most efficient and best course. And perhaps it could be a combined consultation or conference, or whatever form the discussions take place.

PN291

THE DEPUTY PRESIDENT: Yes, okay. Well, I will leave it, again, to the parties to do that. Could I also take it that on the 30th if we were to schedule the Gardening and Landscaping Services Award and the Nursery Award sort of back to back, that would assist the parties?

PN292

MR ARNDT: Definitely, yes, Deputy President.

PN293

THE DEPUTY PRESIDENT: All right. We will look to do that in our scheduling. All right, thank you for that. The only - - -

PN294

MR CRAWFORD: Excuse me.

PN295

THE DEPUTY PRESIDENT: Sorry.

PN296

MR CRAWFORD: I might just note, Deputy President, back with the Nursery award, there is a submission from the Nursery and Garden Industry Australia.

PN297

THE DEPUTY PRESIDENT: Yes.

PN298

MR CRAWFORD: Are they represented by ABI? Okay, so they might have to be included as well.

PN299

THE DEPUTY PRESIDENT: Yes. I've noted they've endorsed the ABI/New South Wales Business Chamber position, but it may be prudent to confirm that, Mr Arndt.

PN300

MR ARNDT: Thank you, Deputy President. I will have to make those inquiries internally, but I will ensure that if there is outside representation beyond our office, that they are included in the discussions.

PN301

THE DEPUTY PRESIDENT: Thank you, Mr Arndt. Thanks, Mr Crawford, for raising that. If there's nothing further on the Gardening and Landscaping Services Award, I will move on. The last award I will call this morning is the Silviculture Award, AM2014/244. At this stage I simply note that the only claims that have been made have been put forward by the AWU, so can I assume, Mr Crawford, that you would announce an appearance in relation to this award?

PN302

MR CRAWFORD: Yes, you could.

PN303

THE DEPUTY PRESIDENT: Thank you. Are there any other parties that want to announce an appearance in relation to this award?

PN304

MS ISHO: Isho, initial L, for AFEI, and my colleague, Jones-Valledor, initial A.

PN305

THE DEPUTY PRESIDENT: Yes.

PN306

MS ISHO: We haven't made any substantive submissions for this award, but we do have an interest for some of our members, so I just wanted to note that.

PN307

THE DEPUTY PRESIDENT: Okay. Is anyone else on the line currently interested in this award?

PN308

MS VAN GORP: Business SA does not have an interest in this award, and we're - Adelaide - there won't be anyone left in Adelaide now.

PN309

THE DEPUTY PRESIDENT: Okay. Thank you, Ms Van Gorp. You're excused. And Mr Arndt, I take it that's a no from you.

PN310

MR ARNDT: No appearance from us.

PN311

THE DEPUTY PRESIDENT: Thank you. All right. Mr Crawford, any comments you would like to make at this point?

PN312

MR CRAWFORD: Well, I had been somewhat looking forward to negotiating with myself on this one, Deputy President, given - - -

PN313

THE DEPUTY PRESIDENT: You might find it more pleasing.

PN314

MR CRAWFORD: Sorry?

PN315

THE DEPUTY PRESIDENT: You might find it more pleasing?

PN316

MR CRAWFORD: But I guess given the Federation has now announced an interest, presumably they might want an opportunity to comment on our submissions before we can move much further.

PN317

THE DEPUTY PRESIDENT: All right. I will leave that amongst you both. Perhaps at the earliest opportunity, Ms Isho, so you might let my associate know AFEI's position, and I will similarly liaise at my end with the President as to where we take this if it's just the AWU with an interest in this award, or if it's largely to be dealt with by consent.

PN318

So if I could ask you, Ms Isho, to, once you've settled on a position on behalf of your members, to let my associate know, and that correspondence will be posted on the web site for the AWU. But equally, it may also just be just as efficient for you to copy the AWU into your correspondence.

PN319

MS ISHO: We will do that, Deputy President. Thank you.

PN320

THE DEPUTY PRESIDENT: Thank you. Is there anything else in relation to the Silviculture Award? Thank you for that and thank you for your attendance this morning. We're the last people standing. At this stage what I'm going to do is explore that separate conference listing for each of the Horticulture Award and the Wine Industry Award. I will list the other awards on 30 March for a report back. And in the meantime I wish the parties every success in reaching as much

common ground as is possible in the circumstances. I will otherwise adjourn the matters now.

ADJOURNED INDEFINITELY

[11.31 AM]