

**SUBMISSIONS TO THE SENATE EMPLOYMENT,
WORKPLACE RELATIONS, SMALL BUSINESS AND
EDUCATION LEGISLATION COMMITTEE BY THE
NATIONAL MEAT ASSOCIATION OF AUSTRALIA.**

Workplace Relations Amendment (Tallies and Picnic Days) Bill 2000

1. The National Meat Association of Australia ('NMAA') is a registered organisation pursuant to the provisions of the Workplace Relations Act 1996 ('the Act'). It is the peak employer organisation throughout Australia representing meat processing companies, smallgoods manufacturers and the independent retail meat outlets. The NMAA is represented in all States.
2. The NMAA represents the industrial and other interests of employers mentioned in the previous paragraph. It represents over 90% of meat processors.
3. The NMAA is a party bound to many Federal Awards presently operating in the meat industry. The three (3) principal or parent awards, operating as a safety net in the federal arena, are the processing, smallgoods and retail awards of the Australian Industrial Relations Commission ('the Commission'). This submission is directed only to the processing awards.
4. The purpose of this brief submission is to address the 'tally' provisions of the Bill. The bill seeks, inter alia, to delete 'tallies' as an allowable matter. The NMAA strenuously supports the abolition of tallies as an allowable matter pursuant to the provisions of the Act.
5. We should state at the outset that tallies while they may have operated in other industries in the past are, presently, only peculiar to the meat processing industry. They appear in the Act for only one sector of an industry.
6. The submission does not have to be lengthy or repetitious because the words have already been written. We merely rely in this submission on two (2) key decisions of the umpire, the Commission, over the last ten years - one under the provisions of the 1988 Act and one under the provisions of the present 1996 Act. They were both decisions of Full Benches of the Commission. They were decisions handed down after months of taking evidence and hearing submissions in the face of total opposition by the union movement.

7. The first decision is Print K3313, and is known as the Meat Industry Inquiry decision. It was handed down on 17 June 1992. The decision followed a yearlong inquiry by a single member of the Commission who presented a report to the Full Bench following inspections throughout Australia and overseas and detailed submissions by the parties. The Full Bench considered the Report, gave the parties one last chance to say what they wanted and then handed down its decision.
8. The decision of the Commission in Print K3313 is clear - award tallies should be abolished and replaced by one minimum timework rate processing award. The reasons why the Commission came to such a conclusion are obvious in the ratio of the decision based upon the Report. I recommend members of the Committee read and consume the decision and the attached report. Its conclusions could not be clearer.
9. The decision of the Commission in Print K3313 was never implemented by the Commission in the face of opposition. Numerous attempts were made by the NMAA including the preparation and presentation of the minimum timework awards to the union as directed by the Commission. The union movement opposed the end result at every step.
10. The second decision of the Commission is of more recent origin and appears in Print R9075. It concerned, very simply, an application by the NMAA to delete tallies from the parent award - the Federal Meat Processing Award 1996 - under the provisions of the Act. In an 85 page judgement handed down on 24 September 1999, the Full Bench stated that the tally provisions in the Award clearly offended the provisions of the Act. Again, I recommend to members of the Committee that they consume this decision, especially those on the Opposition benches. For the second time, the umpire has spoken with nearly exactly the same result per the 1992 decision. The Commission decided that, even though they were dealing with one award for convenience, they expressed the view that their decision will flow to all other awards containing tally. In the federal arena this means that, in our view, all meat processing tallies will go
11. This time the decision abolishing tallies will be implemented.
12. The process as outlined in the September 1999 decision of the Full Bench has nearly been completed. A member of the Full Bench heard the parties in December 1999 on what money amounts should replace the tallies

remembering that the Full Bench decided that the Award should be a timework award based on 38 hours per week, not on units of production.

13. At the December hearing the Union insisted that the money amounts equated to tally should remain. The employer parties stated that this was impossible because it meant, in effect, that tallies must remain as the tally system dictates how many units of labour an employer had to have with all the other restrictions associated with the archaic system of regulation and prescription.
14. The matter before the Full Bench was completed on 23 August last. The end result of the total process will be that all tallies will be abolished from the Federal Awards because they offend the Act.
15. Members of the Committee have to ask and decide - why would you keep tallies as an allowable matter when there is no system of tallies that can conform with the provisions of the Act? It must be deleted as an allowable matter. This is not to say that an employer and employees do not have the right to implement a system at the workplace, by means of an agreement or an AWA that may be incentive based. Those systems are in existence now.
16. The primary submission of the NMAA is that tallies cannot be an overall part of the safety net because you cannot have one tally system operating as a safety net for a multitude of plants that are completely different. This was the rationale behind the two Full Bench decisions mentioned above.
17. The decision to be reached by the Committee is clear. You can leave something in the Act that Full Benches of the Commission have said cannot be in awards in any event or, you can deliver a message to the processing industry that the Committee agrees with the decisions of the Commission that tallies should not be part of the award safety net because they offend the other provisions of the Act.
18. Committee members may contact Garry Johnston at the NMAA if they have any inquiries on this submission or if they wish to hear the NMAA at the public hearing.
