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TRANSCRIPT OF PROCEEDINGS

O/N 1098

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER T.J. ABEY

T No 11627 of 2004

T No 11628 of 2004

PASMINCO HOBART SMELTER AWARD

PASMINCO ROSEBERY (MINING) AWARD

Applications pursuant to the provisions of section 23 of the Industrial Relations Act 1984 by the Australian Workers Union to vary the above awards re clause 1 - title, by deleting the word "Pasminco" and inserting in lieu thereof the word "Zinifex"

HOBART

3.45 PM, MONDAY, 23 AUGUST 2004

This transcript was prepared from tapes recorded by the Tasmanian Industrial Commission

HEARING COMMENCED

[3.56pm]

PN1

MR R. FLANAGAN: I appear for the Australian Workers Union Tasmanian Branch in relation to the application both for the Pasminco Hobart Smelter Award and the Pasminco Rosebery (Mining) Award.

PN2

MR M. REEVES: I appear on behalf of the CFMEU Tasmanian Branch. I only appear in the matter of the Hobart Smelter, not Rosebery.

PN3

MR K. MAYES: I appear on behalf of the CEPU on both matters.

PN4

MR D. HANISCH: I appear on behalf of the Australian Manufacturing Workers Union on both matters.

PN5

MR M. DOUBLE: I appear on behalf of Zinifex for both matters.

PN6

THE COMMISSIONER: Yes, thank you, Mr Double. Mr Flanagan?

PN7

MR FLANAGAN: Thank you, Commissioner. Commissioner, these applications are essentially housekeeping applications. At the moment, both awards continue to reflect Pasminco as the name of the employer. However, that name has in fact changed to Zinifex some months ago, some six months ago I think, so in those circumstances the effect of the application in both cases is simply to delete the word "Pasminco" where it appears in the title of the award and to replace that name with "Zinifex". Obviously as a consequence of the application the certificates of registration will need to be recalled and re-issued but that is pretty much just to reflect the fact that the name has changed so the application does not alter existing rates and conditions of employment.

PN8

It doesn't offend the requirements of the Act in terms of the public interest and therefore the parties by consent seek that the Commission vary the Pasminco Rosebery (Mining) Award in Part I, clause 1 by deleting the word "Pasminco" and inserting in lieu thereof the word "Zinifex" and in relation to the Pasminco Hobart Smelter Award by varying Part I, clause 1 by deleting the word "Pasminco" and inserting in lieu thereof the word "Zinifex". If it pleases the Commission.

PN9

THE COMMISSIONER: Thank you. Mr Reeves, are you in furious agreement?

PN10

MR REEVES: No, I endorse the comments of Mr Flanagan.

PN11

THE COMMISSIONER: Thank you. Mr Mayes?

PN12

MR MAYES: Yes, I endorse the comments of Mr Flanagan as well.

PN13

THE COMMISSIONER: And Mr Hanisch?

PN14

MR HANISCH: Yes, if the Commission pleases, the AMWU endorse the comments.

PN15

THE COMMISSIONER: Yes, Mr Double?

PN16

MR DOUBLE: Yes, it is good to see that we are in agreement for once and Zinifex is in enthusiastic agreement with the changes, Mr Commissioner.

PN17

THE COMMISSIONER: Yes. Having heard the parties, the applications will be granted presumably effective from today?

PN18

MR FLANAGAN: Yes, thank you.

PN19

THE COMMISSIONER: Yes, decisions to that effect will be issued in the next few days. Thank you for your attendance. The Commission stands adjourned.

ADJOURNED INDEFINITELY

[3.50pm]