

HEARING COMMENCED 9.35am

COMMISSIONER: Could I take appearances, please.

MR R. FLANAGAN: If it pleases the commission, FLANAGAN R., for the Australian Workers' Union, Tasmania Branch.

5 COMMISSIONER: Thank you.

MR J. O'NEILL: If it pleases the commission, O'NEILL J., appearing for the Tasmanian Chamber of Commerce and Industry Limited.

COMMISSIONER: Thank you, Mr O'Neill. Mr Flanagan?

10 MR FLANAGAN: Thank you, commissioner. Commissioner, this application seeks to reformat and renumber the Fish, Aquaculture and Marine Products Award in accordance with principle 16 of the State Wage Fixing Principles of 1999 and consistent with correspondence circulated by the president on 5 February 1998.

15 Before going into the matter, commissioner, the parties would seek leave to delete from the schedule attached to the application - on page 4 the reference to career start trainee and career start traineeship, we would seek to delete both of those provisions as they are obsolete and in drafting the schedule to the application there was an oversight on the part of the union in not deleting that.

20 Also, directly related to that, we seek to - if I can take the commission to page 6 of the schedule under the heading Cause 6 - Traineeships - Australian Traineeship System - there's a lengthy provision which follows on to page 7 and page 8 of the schedule. We'd seek to delete that provision in its entirety. Again, the provision is obsolete and it has
25 been identified in principle 16.1, paragraph (iii), about the removal of obsolete award provisions is part of the task of the award review process.

It's recognised by both the union and I believe the TCCI that those provisions actually no longer have any application.

30 COMMISSIONER: Mr O'Neill, do you have any objection to those deletions?

MR O'NEILL: Certainly not, commissioner. Those deletions are consistent with current directions the parties are taking so there is certainly no objection at all.

35 COMMISSIONER: That shall be done in that manner.

MR FLANAGAN: Thank you, commissioner. Commissioner, as I indicated at the outset, this application seeks to reformat and renumber the award in accordance with 16.1 and in particular, the parties have attempted to address paragraph (i) - consistent award

5 formatting; paragraph (iii) - removal of obsolete award provisions; paragraph (iv) - updating clause 6 which was parties and persons bound. That has been replaced with Award Interest, based on the Meat Industry Award as recommended by the president in his correspondence of 5 February 1998.

10 The award already contains within it in Part VII - Consultation and Dispute Resolution - that's Part VII of the proposed new award - facilitative provisions and appropriate enterprise flexibility provisions. If I can take the commission to the last two pages attached to the award you will see there is an appendix 1. On the left-hand side under the heading, Previous Award Clause, the appendix identifies the existing provisions of the award and then on the right-hand side identifies the renumbering or any change that has occurred as a consequence of the making of the proposed new award.

15 It is not the intention of the parties to alter the rights and obligations of employers and employees other than those alterations which are specifically identified under that column, New Award. And in particular, it's to be observed that the present Clause 39 - General Conditions is deleted and the basis of that, commissioner, is that the
20 existing clause 39 identifies a number of clauses which apply under the divisional arrangement which is currently in place and if I can just expand on that.

25 Clause 39 states: *The provisions of the following clauses in Division A of this award shall also apply to employees in this division.* It then goes on to cite clause 10, clause 11, clause 12, up to Clause 37 - Travelling Time and Allowances. Under the reformatting arrangement required, under the principle issues, such as for example annual leave, are to be dealt with under the heading of Annual Leave. So, the general conditions by deleting that reference - it's not intended to alter any
30 obligation. It is simply intended to bring the formatting of the award into line with the requirements under the president's correspondence of February 1998.

35 Likewise, Clause 41 - Preference of Employment and Right of Entry have been deleted. It may be that there could be some discussion on Right of Entry but certainly in relation to preference to unionists, that's clearly no longer a matter which is permitted to be dealt with by awards of the state commission, regrettably. In those circumstances, commissioner, the parties have sought to delete that provision.

40 Other than those specifically identified changes, the Award Interest, as I indicated, reflects the Meat Industry Award and the new standard Parental Leave clause has been inserted in Part VI, clause 5 appearing on page 35 in accordance with the standard adopted by the commission.

45 In those circumstances, the parties would seek that the commission approve the application in accordance with the schedule to the

application as amended in this morning's proceedings. If it pleases the commission.

COMMISSIONER: Thank you. Mr O'Neill?

5 MR O'NEILL: I'll be very brief. We concur with the submissions as put by Mr Flanagan this morning that the Fish, Aquaculture and Marine Products Award be varied in accordance with clause 16 of the Wage Fixing Principles. If it pleases.

10 COMMISSIONER: Thank you. I'll indicate that I will be issuing a decision approving the changes to the award as outlined this morning. The operative date will be the date of the order following the checking of the document by officers of the commission.

The matter is adjourned.

HEARING CONCLUDED 9.45am