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TRANSCRIPT OF PROCEEDINGS

O/N 9712

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER SHELLEY

T No 10974 of 2003

MOBILE CRANE HIRE AWARD

Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 by the Construction, Forestry, Mining and Energy Union to vary the above award re to amend part II clause 3 subclause (c) to reflect the casual employment provisions of the Mobile Crean Hire Award 2002

HOBART

9.30 AM, FRIDAY, 29 AUGUST 2003

HEARING COMMENCED

[9.30am]

PN1

MR B. STIRLING: I appear for the Construction, Forestry, Mining and Energy Union, Tasmanian Branch.

PN2

MR P. MAZENGARB: I appear for the Tasmanian Chamber and Industry Limited.

PN3

THE COMMISSIONER: Thank you. Mr Stirling?

PN4

MR STIRLING: Good morning, Commissioner. This is an application under section 23(1) of the Tasmanian Act to vary the Mobile Crane Hire Award. It is a variation that will bring the casual provisions of this State award into line with the Mobile Crane Hire Award, an award of the Australian Industrial Relations Commission, the federal award. The effect of it is to increase the casual loading from 20 per cent to 25 per cent. We understand that this application has the consent of the TCCI this morning and we would commend the application to the Commission and seek that it have an operative date of today. I can make available an updated draft order to the Commission, reflecting today's date. If the Commission pleases.

PN5

THE COMMISSIONER: Thank you. Mr Mazengarb?

PN6

MR MAZENGARB: Yes, thank you, Commissioner. Commissioner, I can confirm the comments of my colleague, Mr Stirling, that the TCCI does not oppose this application. Can I just say for the record that in so doing we wouldn't want any of the parties or for that matter the Commission to be of the belief that the TCCI is now in a position where it is not opposing and it is supporting any application - - -

PN7

THE COMMISSIONER: Well, I am aware of the Full Bench matter to be heard in October of this year and if it had not been consent I would have been adjourning this until after that.

PN8

MR MAZENGARB: Yes - no, so the purpose - while we are not opposing this application - is because, as indicated by Mr Stirling, the current State award is a mirror image of the federal award, the 2002 award, and therefore with a view to maintaining the nexus that was created by the establishment of the State award we are not opposing the application but as I said it is not to be seen as - - -

PN9

THE COMMISSIONER: Yes. Well, I clearly understand it is by consent and therefore it is without prejudice to any future position that the TCCI may adopt in respect of any other similar matters that come before the Commission.

PN10

MR MAZENGARB: That is quite correct, thank you, Commissioner.

PN11

THE COMMISSIONER: Thank you. Mr Stirling, do you wish to respond to anything that Mr Mazengarb has said?

PN12

MR STIRLING: No further remarks, Commissioner, thank you.

PN13

THE COMMISSIONER: Thank you. Well, I indicate to the parties that the Mobile Crane Hire Award will be varied in the manner sought with an operative date of the first full pay period on or after today's date and a written decision and draft order will follow in due course. The matter is concluded.

ADJOURNED INDEFINITELY

[9.35am]