



TASMANIA

Tasmanian Industrial Commission

Industrial Relations Act 1984

T No. **9547 of 2001**

IN THE MATTER OF an application by
the Automotive, Food, Metals,
Engineering, Printing and Kindred
Industries Union to vary the
Shipbuilders Award

Re: the inclusion of a new clause -
Carer's Leave

PRESIDENT LEARY

HOBART, 22 June 2001

TRANSCRIPT OF PROCEEDINGS

Unedited

(WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY)
(ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS)

HEARING COMMENCED 9.25am

PRESIDENT: Can I take appearances, please.

MR B. WHITE: If it please the commission, BILL WHITE, for the CFMEU.

5 PRESIDENT: Thank you.

MR M. WATSON: May it please it the commission, MARK WATSON. I appear on behalf of the Tasmanian Chamber of Commerce and Industry.

10 PRESIDENT: Thank you. I have a fax from the applicant, the AMWU, to say that they won't be attending but advising that they've had discussions with the TCCI and have agreed in-principle to the inclusion of the clause.

In the absence of the applicant, who would like to talk to the application?

15 MR WATSON: I guess, president - I don't know that I'm in the position to talk to the application, however, can I just explain the circumstances leading up to today. We certainly did receive the application but at that stage we didn't actually receive the draft order.

20 I understand that the draft order was actually attached to the original application lodged in the commission and we also understand that the application is the standard carer's leave clause which follows the full bench decision of this commission some two or three years ago.

25 That being the case, then I believe that we would be in a position today to consent to the variation provided that it does actually follow the standard clause.

PRESIDENT: Subject to checking.

30 MR WATSON: But I must say that our position is on the basis that it was actually lodged with the application. Had that not been the case, then we certainly wouldn't have been in the position to consent to it today.

PRESIDENT: I'll give you a copy of this when we adjourn.

35 MR WATSON: That's fine. In terms of actually talking to the application, president, I guess all I could say to you is that we would - providing it is the standard clause and it does follow that full bench decision, then we would submit that the application would not offend the commission's Wage Fixing Principles nor the public interest and we would consent from the first full pay period on or after today's date.

40 PRESIDENT: Okay. Prima facie, it appears to be the standard carer's
leave provision but subject to you having an opportunity to check it
and I take it Mr White is not going to oppose the application?

MR WHITE: No, president. I come along today to support the
applicant and I still do that in their absence.

45 PRESIDENT: Excellent. On that basis, I shall approve the variation
subject to the TCCI reserving their right to check the wording of the
proposed clause, but presuming that it's the standard clause, then
there will be no problems, the variation can take effect from the first
pay period on or after today and I'll give the TCCI seven days to check
it and to advise me whether there is a problem with it.

50 On that basis, I'm satisfied that the variation can be approved and the
award will be varied accordingly.

This matter is adjourned.

HEARING ADJOURNED SINE DIE 9.29am