



*Tasmanian Industrial Commission*

Industrial Relations Act 1984

T No. 8222 of 1999

**IN THE MATTER OF** an application by  
the Tasmanian Chamber of Commerce  
and Industry Limited to vary the  
Medical Diagnostic Services (Private  
Sector) Award

Re: insertion of a new clause - Recall  
and On-Call

**FULL BENCH:**  
PRESIDENT WESTWOOD  
DEPUTY PRESIDENT JOHNSON  
COMMISSIONER WATLING

HOBART, 24 May 1999

**TRANSCRIPT OF PROCEEDINGS**

Unedited

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

**HEARING COMMENCED 10.35am**

PRESIDENT: Could we have appearances, please?

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

PRESIDENT: Thank you.

**MR C. BROWN:** If the commission pleases, C. BROWN, appearing for  
the Health Services Union of Australia, Tasmania No. 1 Branch.

10 PRESIDENT: Thanks, Mr Brown. As you are aware this is a matter  
that was referred from Deputy President Johnson to me for referral to  
a full bench.

Could we have your opening submissions or reports as to how you  
would like to proceed with the matter?

15 MR WATSON: Perhaps I could address that issue, Mr President.  
Perhaps if I can, first of all, go to some background as to the reasons  
for the application and to the position that we're in today to start with  
and then after that we would put to you the submission that we would  
request time to go into conference with the bench to discuss the  
20 further progressing of this matter and obviously we'd need to explain  
why that is the case. So, first of all if I can go to the background of the  
application.

25 One of our members in this industry had requested, during last year,  
that the award be varied to include provisions for on-call and recall as  
the Medical Diagnostic Services [Private Sector] Award doesn't have  
any provisions going to that issue at present.

30 That particular member does have a registered agreement which has  
been approved by the commission, however, the particular member  
has certainly given me instructions which I've carried through, that  
they wish to have the award varied to provide provisions for, as I said,  
recall and on-call.

COMMISSIONER: It really makes me curious, why does the award  
have to be varied, why can't it be in a registered agreement?

MR WATSON: It is in a registered agreement at the moment.

COMMISSIONER: This particular provision, is it?

35 MR WATSON: Well, provisions for on-call and recall for this  
particular member where the application has come from. But probably  
at this stage I would prefer to go through that issue in conference if I  
can just to explain to you, or and answer that particular question.

COMMISSIONER: I'm really interested in this question. There's something behind it and I want to know what's behind it?

MR WATSON: We can certainly address that particular issue in conference.

5 COMMISSIONER: Right.

MR WATSON: With those instructions we began a process of negotiation with the union to attempt to get to a consent position and then obviously lodge an application with the commission.

10 We did reach a consent position in January of this year and that is in the form of the application that has been submitted. It is still our intention to stick to that consent position, however, at this point in time we do possibly see some difficulties with proceeding with the application in its current form and would welcome the opportunity to discuss that matter in conference, if that is acceptable to the bench.

15 PRESIDENT: So when you're saying you still intend to hold to the consent position, do you mean, the consent to this draft order in total?

MR WATSON: That's right.

PRESIDENT: But you are prepared to talk about it?

20 MR WATSON: Well, I think there's a few issues that we need to talk through. However, as I say, I think the best avenue of that is in conference.

PRESIDENT: Do you have anything to say to that, Mr Brown?

25 MR BROWN: No comment in response to the state except that I agree with the process that Mr Watson's outlined. I think it would be helpful if we did go off record and discuss it.

DEPUTY PRESIDENT: I guess as a matter of caution perhaps I could invite you to confirm, Mr Brown, is the matter still consent, as Mr Watson said, in terms of the application submitted?

30 MR BROWN: It is still a consent application as it currently stands. The union is willing to explore some elements of the application and see whether we can reach some agreement on changing those, but as it currently stands it is still a consent application.

DEPUTY PRESIDENT: Yes, thank you.

35 PRESIDENT: Are you happy to go off record and into conference, Mr Commissioner?

COMMISSIONER: Yes, I'm in the dark on this so I have to say -

PRESIDENT: Yes, all right, we'll go off record and into conference then, thank you very much.

**INTO CONFERENCE 10.40am**

**NO FURTHER PROCEEDINGS RECORDED**