

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T. Nos 432, 435 and 440 of 1986

IN THE MATTER OF applications by
the Tasmanian Public Service
Association, the Tasmanian
Trades and Labor Council and the
Association of Professional
Engineers to vary awards by 2.3%
in accordance with the National
Wage Case decision

re commitments of registered
organizations to Guidelines

FULL BENCH

PRESIDENT
DEPUTY PRESIDENT
COMMISSIONER GOZZI

HOBART, 29 July 1986

TRANSCRIPT OF PROCEEDINGS

(RESUMPTION)

PRESIDENT: Ladies and gentlemen, before commencing, I think it's appropriate that I acknowledge that we have learned with regret of the untimely passing of Mr Roy Harrison, long time secretary of the Musicians' Union.

MR GRANT: We can't hear.

PRESIDENT: I said, we have learned with regret the untimely passing of Mr Roy Harrison, a long time secretary of the Musicians' Union.

All present would be aware of his contribution to the trade union movement and to industrial relations, in particular, in this State.

We would appreciate it if, therefore, our condolences could be passed on to his family and we would invite you to join us in standing to observe a few moments' silence.

Are there any alterations to appearances already announced?

MR TARGETT: Mr President, **TARGETT, P.E.** I also appear for the Federated Clerks' Union.

PRESIDENT: Thank you, Mr Targett.

MR BAKER: Sir, I appear on behalf of the Association of Draughting, Supervisory & Technical Employees, **P. BAKER.**

PRESIDENT: Thank you, Mr Baker.

MR REES: Mr President, I appear on behalf of the Hospital Employees' Federation, Tasmanian Branch No. 2.

PRESIDENT: Yes. Thank you, Mr Rees.

MR IMLACH: If the Commission pleases, **PETER IMLACH** for the Hospital Employees' Federation of Australia, Tasmanian No. 1 Branch.

PRESIDENT: Thank you, Mr Imlach.

MR FOX: Mr President, my name is **FOX.** I

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MR FOX: represent the Tasmanian Technical Colleges Staff Society.

PRESIDENT: Thank you, Mr Fox.

MR WALSH: If the Commission pleases, **WALSH, STEVEN**, appearing on behalf of the Printing and Kindred Industries' Union, Tasmanian Branch.

PRESIDENT: Thank you.

MR READ: **READ**, representing the Tasmanian Institute of Superintendents of Education.

PRESIDENT: Thank you, Mr Read.

MRS HERBERT: **SYLVIA HERBERT**, of United Firefighters' Union.

PRESIDENT: Thank you, Mrs Herbert.

MS HUXTABLE: **CHRISTINE HUXTABLE**, Federated Liquor & Allied Industries Employees' Union of Australia (Tasmanian Branch) and Actors Equity of Australia.

PRESIDENT: Thank you.

MR CAPSTICK: **DESMOND CAPSTICK**, Australian Textile Workers' Union.

PRESIDENT: Mr ... ?

MR CAPSTICK: Capstick.

PRESIDENT: Thank you, Mr Capstick.

MR ROBERTS: **PAUL ROBERTS** for the Meat Workers' Union.

PRESIDENT: Thank you, Mr Roberts.

MR HARRIS: **GRAHAM HARRIS**, for the Tasmanian Prison Officers' Association.

PRESIDENT: Thank you, Mr Harris.

DR MACKAY-SMITH: **GEORGE MACKAY-SMITH**, Heads of Agency and Principal Managers Award.

PRESIDENT: Thank you, Doctor.

MR HANSCH: If the Commission pleases, **HANSCH**,

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APPEARANCES

MR HANSCH: **B.J.**, appearing for the Transport Workers' Union of Australia, Tasmanian Branch.

PRESIDENT: Thank you, Mr Hansch.

MR LYNCH: If the Commission pleases, **LYNCH, J.**, for the F.E.D.F.A, Tasmanian Branch.

PRESIDENT: Thank you, Mr Lynch.

MR CUSHION: If the Commission pleases, **DON CUSHION**, appearing for the Musicians' Union of Australia.

PRESIDENT: Thank you, Mr Cushion.

MR CORDWELL: If the Commission pleases, **CORDWELL, M.** I appear on behalf of the Building Workers' Industrial Union and The Operative Plasterers' and Plaster Workers' Federation, Tasmanian Branch.

PRESIDENT: Thank you, Mr Cordwell.

MR HARPER: If the Commission pleases, **HARPER, A.**, appearing on behalf of the Federated Ironworkers' Association of Australia, Tasmanian Branch.

PRESIDENT: Thank you, Mr Harper.

MR SHELVERTON: If the Commission pleases, **DENNIS SHELVERTON**, Australian Theatrical & Amusement Employees, Tasmanian Branch.

PRESIDENT: Thank you, Mr Shelverton.

MR EDWARDS: If the Commission pleases, Mr Abey will not be appearing this morning and I appear for all those organizations that he was previously representing, **EDWARDS, T.J.**

PRESIDENT: Thank you, Mr Edwards.

MR WILLINGHAM: Mr President, **CLIVE WILLINGHAM.** I appear for the Minister for Public Administration.

PRESIDENT: Thank you, Mr Willingham.

MR ALLEN: If the Commission pleases, **ALLEN,**

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APPEARANCES

MR ALLEN: R.J., appearing for the Association of Professional Engineers, Australia, Tasmanian Branch.

PRESIDENT: Thank you, Mr Allen.

MR ELLIOTT: DAVID ELLIOTT, appearing for the Association of Tasmanian Further Education Staff.

PRESIDENT: Mr ... ?

MR ELLIOTT: Elliott.

PRESIDENT: Thank you, Mr Elliott.

In our decision of 22 July, we indicated at page 36 that:

"... we intend to reconvene on 29 July 1986 for the purpose of taking individual commitments from individual employee organisations."

And we said:

"Those giving the necessary commitment will need to be authorised by the organisation on whose behalf it is to be given. Each organisation of employees will be required, subject to the jurisdictional question, to unequivocally engage itself not to pursue any extra claims, award or overaward, except in compliance with the principles, until the next National Wage Case. Thereafter we will expect to receive a renewal of the commitment to cover the period until the next National Wage Case."

Mr Lennon, that's what we are here for today.

MR LENNON: Thank you, Mr President. Before commencing, I'd like to publicly acknowledge on behalf of the trade union movement, with regret, the untimely passing of Mr Roy Harrison.

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APPEARANCES - PRESIDENT - LENNON

MR LENNON:

I knew Roy quite well and it is with a lot of sorrow that we hear the announcement today, that he has passed away and formally, on behalf of the trade union movement, I would like to thank Roy for the great work that he did for the trade union movement in his many years that he was associated with it.

The trade unions have met and considered the form of commitment, if any, that should be given as requested by the Commission.

We have agreed that the commitment will be given in the following terms:

"We are prepared to give the Commitments as outlined in Principle Two (2) provided it is understood that -

1. The right to take industrial action is not prohibited.
2. The Commitment does not imply acceptance of every statement made by the Full Bench in the Reasons For Decision.
3. The Commitment is for six months.
4. The National Wage Case shall begin at the time which ensures that all Union Claims before the Bench can be determined and implemented by 1 January 1987.
5. The Tasmanian Government honours its commitment to amend the Industrial Relations Act, in the Budget Session, so as to include Superannuation as an Industrial matter properly within the jurisdiction of the Tasmanian Industrial Commission."

Mr President, I have an exhibit to

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MR LENNON: hand to the Commission, which is in that form that I have just read out.

PRESIDENT: I'm unsure of the last exhibit number. This will be Exhibit U.3.

MR LENNON: Mr President, at a later stage in the proceedings, organizations will be addressing themselves to the wording and the commitment individually. I have a number of letters from quite a large number of organizations, which either could not attend today, or have given them to me, which I will give to the Commission at a later stage - at the end of my address.

PRESIDENT: They are authorities authorizing you to give a commitment on their behalf, I take it?

MR LENNON: They contain a statement in writing, as contained in Exhibit U.3.

In giving the commitment, I wish to stress the following points: The unions will be seeking negotiations with the employers in relation to the 3% superannuation productivity claim.

However, it should be clear to all concerned that we will be seeking implementation of the claim, where agreed, consistent with Principle 3.

I emphasize that it is our express desire that the negotiations proceed in an orderly fashion. However, it is unrealistic of all concerned to expect that all negotiations will proceed smoothly and without some conflict.

I add that it is the collective responsibility of all parties to show a desire and willingness to discharge their obligations and responsibilities under the centralized system.

The Tasmanian Trades and Labor Council will not support claims inconsistent with the Principles, nor are we suggesting that claims for superannuation should be made

MR LENNON:

inconsistent with Principle 3.

Clearly, our preferred view is that negotiations should take place and the Commission should be prepared to conciliate.

Mr President, before you call on other organizations, I would like to make the following comments with respect to the current dispute between the public sector unions and the Tasmanian Government.

The Tasmanian Trades and Labor Council expresses extreme concern at the apparent lack of desire by the Government to have the dispute brought under the auspices of the Tasmanian Industrial Commission.

It should be noted, and clearly understood, that at the national wage hearing the Government supported the 2.3% and the Principles, and thereby indicated a desire on their part for the continuation of the present system.

I reiterate, that for the present system of wage fixation to work, it will depend to a very large extent on the commitment to it by unions and employers, Government and tribunals, to discharge their obligations and responsibilities under the system.

To this extent I believe that the present actions of the Government, if they continue, can only jeopardize the continuation of the system.

Conscious decisions taken by any party to deliberately operate outside the system will only threaten its continuation. And I remind the Commission of its statements in the recent national wage case, made on page 12, where you said:

"We therefore find the Minister's perception of public interest somewhat difficult to understand and in any case it differs from

MR LENNON:

our own. Moreover, it is unhelpful to argue that an increase should now be awarded across-the-board and new principles established for two years if, because of lack of Commonwealth funding, there is no intention of abiding by a decision taken by this Commission to grant that increase and apply those principles."

And on page 15 the Full Bench said:

"It would be devastating - perhaps fatal - to the well-settled system of award regulation by this Commission if other methods were resorted to in order to achieve a pre-determined result. This could be regarded as an open invitation to employee organisations to themselves abolish the current orderly system to which all are committed, in favour of activity in the field. That situation would bring to an end centralised wage fixation in this State, and, in all probability, across the nation."

Additionally, Mr President, in its decision of September 1983, Print F.2900, the Full Bench of the Conciliation and Arbitration Commission made the following observation, and I quote from the decision on page 48:

"However, there should be no doubt whatsoever that the success of the course we have embarked upon does not depend only on the Commission and other wage fixing tribunals. We agree with the ACTU that 'the challenge which we confront is enormous' and that it 'will certainly not be capable of being met without the necessary consensus and co-operation of all groups ... The task

MR LENNON:

ahead requires a commitment from all..." (and I stress that, a commitment from all). "No one group, unions, government or employers can act in isolation from other groups." We have set out the requirements of the new centralized system in some detail. These impose obligations and responsibilities on unions, employers, governments and tribunals. They must all accept commitment to these requirements for the system to work. In the period ahead this commitment will be put to the test."

Mr President, since 1983 the Commission have sought commitments from unions that they would make no extra claims before national wage increases have been granted to employees. The present uncertainty in Tasmania does not exist because of our commitment to the system is in question, but exists due to the ambivalent attitude being taken by the largest employer in the State - the Government.

I would remind the Commission of the statement made by the Tasmanian Trades and Labor Council to the Industrial Boards in 1983. And I quote from that statement, where we say:

"As such, we believe that the employers' commitments must be consistent with the observations of the Full Bench of the Australian Conciliation and Arbitration Commission in a decision of 23 September 1983 where they stated: 'While we would not debar argument being advanced on economic incapacity we would emphasize not only the long established principle of wage fixation that those seeking to argue incapacity

MR LENNON:

to pay must present a strong case, but also that the fundamental basis of a centralized system is uniformity and consistency of treatment."

In this respect we reaffirm our opposition to any attempt by employers to reduce existing standards. We would also state, the government has a responsibility to establish and maintain effective supportive mechanisms and policies. We would also restate the requirement for tribunals to act consistently in the application of the Principles.

MR LENNON:

Mr President, in all the circumstances I believe that it is imperative, if confidence in the system is to remain, that the Commission seek a clear indication from the employers and in particular the Government as to the extent of commitment that they have to the continuation of the Wage Fixation System and its accompanying Principles. Thank you.

PRESIDENT:

Thank you, Mr Lennon. Mr Hanlon?

MR HANLON:

Yes, sir. On behalf of the Australian Workers' Union, I am instructed to advise the Commission that the Australian Workers' Union gives the commitment as set out in Trades and Labor Council Exhibit 3 and on confirmation of its acceptance by the Commission in that form, the Australian Workers' Union will confirm that in writing to the Commission, and further that the A.W.U. supports the comments made by the Trades and Labor Council in regard to the Principles and the attitude which the Government should abide by.

PRESIDENT:

Thank you, Mr Hanlon. Mr Lynch?

MR LYNCH:

Thank you, sir. On behalf of the F.E.D.F.A. I would say that our union has got no problems at all with the commitment proposed in the T.L.C. Exhibit U.3 and in line with this union's position in giving and honouring previous commitments, we would adopt the T.L.C. position as accurately reflecting our commitment for the next 6 months.

I may also point out, sir, that we are not an affiliate of the T.L.C., but in respect of the comments made by Mr Lennon in dealing with the Government's initiatives in the public sector, we would condemn those and urge the Government to negotiate meaningfully on that as soon as possible.

MR LYNCH:

I wholeheartedly endorse those comments.

PRESIDENT:

Thank you, Mr Lynch. Ms Crotty?

MS CROTTY:

I am instructed on behalf of the Tasmanian Teachers' Federation to give the following commitment that until the next national wage case decision the Federation will not pursue any extra claims, awards or over-awards except in compliance with the Principles.

We give this commitment on the basis of the 5 criteria already outlined by the Trades and Labor Council are clearly understood and accepted by this Commission.

Mr President and members of the Bench, in giving this commitment we indicate our firm belief that, given the present State Government's attitude and questionable action immediately prior, during and after the handing down of the national wage case, we think that there is a grave possibility that the integrity and spirit of these Principles will not only be jeopardized but transgressed by the State Government.

We do not say this lightly and we did not arrive at this conclusion lightly.

For the first time in the history of industrial relations in this State, and probably in this nation, we heard before this Commission last week, during the course of the 2.3 national wage case, that the Government had the capacity to pay a salary increase to all its employees but did not have enough money to pay current award rates set by this Commission to some of its employees.

Because the Government supported the 2.3 flow-on on the grounds that it would be against the public interest not to grant that flow-on, it presented little or no evidence on the economy of the State or the

MS CROTTY:

likely effect that the flow-on would have on the employment levels in the public sector.

The Commission, in its decision on page 16, alluded to the fact that not only the Tasmanian Chamber of Industries but other employer representatives put it quite bluntly that sackings would be a consequence of the flow-on of the 2.3. However, later on on that page, the Commission did say,

"It is our view that if such statements are made they should be supported by evidence so that the Commission is able to come to an informed view and reach a decision having regard to all factors as they apply in the State."

The Commission is charged under Section 36 of the Act to consider 2 factors when it addresses public interest - 2 specific factors - that is the economy of the State and the level of employment.

We believe that the Commission did this when it arrived at its decision, despite the fact that it had limited information before it.

The Government representatives were given ample opportunity to present evidence to the fact of going straight to the economy of the State and the levels of employment; it chose not to do so.

Yet, a number of hours after the handing down of the Commission's decision, the Government put this ultimatum to the Tasmanian Teachers' Federation and other public sector unions: Accept salary cuts or 400 jobs will go.

Our interpretation is that the Government is effectively saying and has said to us that despite the fact that we supported the flow-on of the

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MS CROTTY:

2.3, which will increase your award rates, despite the fact that in the Industrial Commission the Commission had the power to determine public interest under 36 (2) (b), we are saying and we are of the opinion that we knew ... we were of the opinion during the course of the national wage case hearing and we are still of that opinion that the state of this economy is in dire economic straits and we believe that salary cuts should proceed or, consequently, jobs should go.

We didn't say this to the Commission at the time, but we are saying this to you despite the Commission's considered opinion.

Furthermore, we are saying this before putting it to the test and we expect you to accept this in the interest of this State.

Mr President and members of the Bench, not once but twice has this Government disregarded the presence of this Commission. Firstly, it sought to reduce the award rates set by the Commission. Secondly, it is determining for itself, without recourse to this Commission, the interpretation of section 36, particularly section 36 (2)(b).

Given this sad state of affairs, what guarantees have the unions that the Government will abide by the Principles currently before this Commission, particularly Principle 12?

It has not been required to give a commitment here today; one wonders why.

The Commission has dealt with this issue before and I refer to transcripts of proceedings in matters T. No. 265 and 266 of 1985, dated 26 November, 1986 where, on page 124, you, Mr President, said:

"If it were left to me I would expect all employers

MS CROTTY:

and organizations to give a commitment. It seems to me that no one is exempt. I thought that that was made clear in our decision. The Federal decision, however, did not seem to pick up that point ... "

It was clear from that decision that there should be a commitment not only from the employee organization but also from the employers.

In that decision T.265 and 266 of 1985, on page 16 (sic) the decision read:

"We point out that for the Principles to fulfill their aims and objectives, the public interest requires a commitment from all. No one group, unions, government or employers can act in isolation from other groups if the present system is to work equitably and fairly."

I would also like to add that Mr Abey, on page 128 (sic) of that transcript, said:

"I am sure that the employers generally would be happy to give a commitment not to do anything outside the Wage Fixation Guidelines. This would be provided that they could be assured that the other side of the fence would not attempt to kick them to death, from time to time, by the implementation of industrial action."

Given the grave concern amongst our members in the teaching service, as a result of the Government's recent attack on our salaries, conditions and our jobs and, more importantly, the independence of this Commission, the kicking may well come from the other side of the fence.

Mr President, members of the Bench, the Federation gives its commitments

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MS CROTTY:

to the Principles despite the lack of a similar undertaking from the Government. They may well change their mind. I live in hope.

But in doing so, we are heartened by the Government's representative's comment on page 38 of the transcript dealing with these recent Principles. Mr Willingham (I quote) stated:

"A uniform system of centralized wage fixation cannot operate effectively unless there is consistent commitment by all the parties - employees, unions and government."

I think the Government would be well advised to support the sound advice of its industrial advocate.

Without a doubt, if the Government convenes (sic) one of these Principles by any means as it has done fundamental industrial Principles over the last 3 weeks, this Federation will have no choice but to reassess its position and reassess its commitment to these Principles. Thank you.

PRESIDENT:

Thank you, Ms Crotty. Mr Evans?

MR EVANS:

Thank you, Mr President. I would, in my submission, adopt and support the document tendered by Mr Lennon as our own.

However, in expressing our commitment, I would like to qualify that commitment to this extent, that my organization believes an orderly and centralized system of wage fixation, in order to maintain that commitment, there needs to be a recognition on the part of all involved in this system, and in this system of wage fixation in particular, that one cannot take those parts of decisions and those parts of the commitment which best

MR EVANS:

suit your own particular interests. However, it is commitment to all the Principles, for better or for worse.

On this occasion we have had the Government, in proceedings before this Commission, supporting the flow-on of the 2.3 national wage case decision. However, not only in proceedings here but, more importantly, in proceedings outside the jurisdiction of this Commission have indicated that it has an incapacity to pay, in accordance with the award provisions, those employees whom it has engaged.

It has sought by legislative means to go round the Principles and fail to argue before this Commission whatever incapacity to pay it may have. It has sought instead to introduce reprehensible and abhorrent legislation and, indeed, irresponsible legislation into the Tasmanian Parliament and then when the responsible chamber within the Tasmanian Parliament, the Legislative Council, would not succumb to the intimidation of the Government indicated that it still had an incapacity to pay and would proceed to terminate with no payments whatsoever those of its employees that it deemed it no longer wanted to employ.

The original indication has been some 400 but again the Government, as an employer, not only has traduced the Principles but has in fact gone further. It condemned the decision of this Commission and has subsequently stated that this Commission is irrelevant.

We find that particular aspect of their behaviour somewhat difficult to live with. Either you participate in the system and take the good with the bad, and either you accept a decision of this Commission and recognize that you have to work within the system, but if you are then disposed to

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indicate that the body which is charged with oversighting the implementation of Wage Fixation Principles, and provisions of the Industrial Relations Act is irrelevant, then you can no longer expect those who have participated in the system up to date (as I said, for good or for better) to regard the attitude of that employer as one which is responsible.

Again, as recently as last evening, we had this employer indicating that it was seeking to intimidate its own employees to forego award conditions and, indeed, indicating it was not prepared to proceed with argument before this Commission to vary that award; it is seeking an extra claim outside the Principles and, in so doing, it has indicated very firmly to us that the Principles are irrelevant when it suits that particular employer.

I would signal that we give our commitment to the Principles and to the centralized system of wage fixation, however, if the Government persists in its action as regarding this Commission as an irrelevancy and regarding the Principles as an irrelevancy then it cannot expect that the unions and indeed its own employees will have any other attitude. But, if the employer sees this place as irrelevant, then it is inviting all and sundry to participate in the law of the jungle and that would be no good for the State and no good for the continued operation of this Commission in its duty to ensure that there is an orderly system in industrial relations in this State.

MR EVANS:

We believe it is entirely proper that the Government indicates that it is committed to this Commission, it is committed to the Principles, that it is committed to the forms in which this Commission operates and it is prepared to use those forms in order to put its arguments and convince not only its own employees, but the public of its supposed incapacity to pay.

Failure to do so can only be regarded by the unions, the public and this Commission, as an attempt to abdicate its own responsibilities, and indeed, a very clear indication that its argument is not sustainable.

We give our commitment, but as I said from the outset, qualify them on the basis that the commitment has to be a two-way process.

PRESIDENT:

Thank you, Mr Evans. Mr Kenny?

MR KENNY:

Mr Commissioner, on behalf of the Electrical Trades Union, we support the comments made by Mr Lennon from the T.T.L.C. and we agree to the commitment as tabled in document U.3.

We will confirm that commitment by writing later this day.

PRESIDENT:

Thank you, Mr Kenny. Mr Rees?

MR REES:

If the Commission pleases, my organization also joins with the comments in support of Mr Lennon and all other previous speakers in respect of Exhibit U.3 and more particularly, the comments made by Mr Lennon in respect of the current dispute between the Government and its employees.

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PRESIDENT - EVANS - KENNY - REES

MR REES:

I certainly support the comments of the Teachers' Federation and of the T.P.S.A. and indicate our position is no different from the position outlined by them. We merely forecast the smooth running of the State's general hospitals, public hospitals in the north and north west will not continue, cannot continue if the Government decides to abort the conditions and wages as set by this Commission.

The loss of jobs are forecast, some 45 jobs are to be lost in the northern area, forecast perhaps within the next week or so, and in that time, of course, the smooth running of these hospitals will be disrupted, there's no doubt about that, unless other forms of action are taken either by this Commission, the unions associated with it and/or the Government itself. If the Commission pleases.

PRESIDENT:

Thank you, Mr Rees. Mr McDermott?

MR McDERMOTT:

If the Commission pleases, the Police Association endorses and certainly supports the comments made by Mr Lennon and other speakers.

We are prepared to give the commitment as outlined in Exhibit U.3 and I'm in a position to be able to table written confirmation of that at the conclusion of these proceedings.

PRESIDENT:

Thank you, Mr McDermott. Mr O'Brien?

MR O'BRIEN:

If the Commission pleases, we certainly adopt the submissions that Mr Lennon made this morning and being clearly authorized by the State Council of my organization and the national executive, I can indicate that we are prepared to give the commitment as outlined in Exhibit U.3 and subject to that acceptability, we will confirm that this day in writing.

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PRESIDENT - REES - McDERMOTT -
O'BRIEN

PRESIDENT: Thank you, Mr O'Brien.

MR CAPSTICK: If it please the Commission, the Australian Textiles Workers Union - we also support the submission and accept the submission in U.3 and will confirm that in writing.

PRESIDENT: Thank you.

MR READ: If the Commission pleases, I wish to advise that the Tasmanian Institute of Superintendents of Education has given me the authority to give its commitment to the Principles, subject to the conditions outlined in Exhibit U.3 and this will be followed by a written confirmation after these proceedings.

PRESIDENT: Thank you, Mr Read. Mr Fox?

MR FOX: If the Commission pleases, on behalf of the Tasmanian Technical Colleges Staff Society, I am able to give the commitment as outlined in Exhibit U.3 of the T.T.L.C. and endorse the remarks of the previous speakers.

PRESIDENT: Thank you, Mr Fox.

MR ELLIOTT: Mr President, the Association of Tasmanian Further Education Staff is willing to give the commitment as outlined in Exhibit U.3. I have written confirmation of that.

We support the statements made by the previous speakers and we have grave reservations about the long-term future of this Commission, given the attitude of this present Government.

PRESIDENT: Thank you, Mr Elliott. Ms Huxtable?

MS HUXTABLE: If the Commission pleases, I'm prepared to make the commitments on behalf of the Federated Liquor and Allied Industries Employees Union of Australia, Tasmanian Branch and Actors Equity of Australia as outlined in the Trades and Labor Council document, Exhibit U.3.

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PRESIDENT - CAPSTICK - READ - FOX -
ELLIOTT - HUXTABLE

PRESIDENT: Thank you, Ms Huxtable.

MR WALSH: On behalf of the Printing and Kindred Industries Union, Tasmanian Branch, I'm prepared to undertake that my organization will support the commitment as tabled in Exhibit U.3, and we would also endorse the comments of all the previous speakers.

PRESIDENT: Yes, thank you.

MR ROBERTS: On behalf of the Meat Workers Union, Mr Commissioner, we support everything Mr Lennon has said and we give our written authorization to this commitment.

PRESIDENT: Thank you.

MR STRICKLAND: On behalf of the Storemen and Packers Union, we are prepared to give the commitment as tabled in document U.3 and written confirmation will be tabled this day.

PRESIDENT: Thank you.

MR TARGETT: If it please the Commission, on behalf of the Shop Distributive and Allied Employees Association, the Commercial Travellers Guild, the Hairdressers, Wigmakers and Hairworkers Federation and the Federated Clerks Union, we give the commitment to the Principles as outlined in Exhibit U.3 and written confirmation of that has been supplied to Mr Lennon as one of the exhibits.

PRESIDENT: Yes, thank you, Mr Targett.

MR HARRIS: On behalf of the Tasmanian Prison Officers Association, we give the commitment as outlined in U.3 and fully support the comments made by Mr Lennon and Mr Evans.

PRESIDENT: Thank you, Mr Harris.

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PRESIDENT - WALSH - ROBERTS -
STRICKLAND - TARGETT - HARRIS

MR IMLACH:

If the Commission pleases, I have authority and I also have written authority which I will submit at the conclusion of proceedings, Mr President, to give the commitment.

I would like to add a few words if I may.

Our union supports the continuation of the centralized system which we say has proved a major factor in containing the problems common not only in Australia, but in other countries.

I'm referring to the economic problems, balance of payments and so on and the unemployment problem, and I submit that the continuation of the guidelines, the wage fixing Principles, has in Australia contained that problem.

If we had not have had the centralized system, those problems would have been much much worse and I think in that context, the employers ought to note that the unions collectively have agreed and accepted discounting over quite a period and what the result has been that as I understand it (I haven't the evidence here, Mr President but as I understand it in recent reports. I was on the television the other night and also the economist) the hourly rate of wages in Australia compares favourably. In other words, it's less than those of many other developed countries.

Now, these things ought to be noted because in this country, that has been brought about by the commitment of the union movement generally to the centralized wage fixing Principles.

Now, our branch, particularly in the light of the industry that we work in, is anxious that that system continues.

I think I share the view of many that

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IMLACH

MR IMLACH:

it doesn't look as if it's going to go on much longer.

Now, as far as we're concerned, we don't want the finger pointed at us saying that we've contributed to the downfall of the centralized system.

We have never said that the centralized system was the be all to end all.

We think in the current climate, it's quite appropriate and that it ought to continue and on that basis we wish the centralized system to continue, Mr President, but we are quite worried that it won't go on for much longer and as I said, I feel that I'm speaking for almost everyone that I deal with in that regard.

Evidence of that is of course, we've been asked to give a 6 monthly commitment. It was longer than that previously.

Obviously people are concerned that it won't go for much longer.

The other evidence that we have is that there have been movements in other areas that cast some doubt on the system and our union is most concerned that the Principles are abided by and kept to by all parties.

The point is, it's been referred to in this hearing, Mr President and Commissioners, is that in this State the unions that have members employed by the State Government, are suffering quite a battering and the problem is that the Government seems to be going outside established systems and established guidelines, outside systems set up by Parliament to cope with these matters.

Now, in that context, it's going to be very difficult for the unions to stick to its improvised wage fixing system.

MR IMLACH:

And I think it's very important that these things be noted.

But I repeat that our branch wants to see it continue, we're giving the commitment today and we're quite serious in so doing.

I'll just, if I can - 1 or 2 other points, Mr President. I referred to how the centralized system has helped Australia in its present economic situation and I submit that the problems that we're experiencing have not been caused by the wage-fixing system at all. The problems are to be found in the terms of trade, the balance of payments and Government expenditure.

Those key factors (I'm not saying they're the only factors) - but they are the key factors that have brought the dollar crashing down and ... the economic system. And we are all going to feel the pressure of the problems that's going to cause or is causing and I feel that so long as we can maintain the centralized system, at least we in the industrial world are making our contribution to stop or to cope with the problems that are occurring.

And I will just repeat, Mr President and Commissioners, our branch supports the commitment in the form outlined by the Trades and Labor Council Secretary and I'll be submitting that at the conclusion of the hearing.

PRESIDENT:

Thank you, Mr Imlach. Doctor?

DR MACKAY-SMITH:

Mr President, on behalf of the Heads of Tasmanian Government Departments' Association, I give the commitment that we support the Principle. In doing so, we recognize the necessity for the Principle to be adhered to by all parties.

PRESIDENT:

Thank you, Doctor.

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PRESIDENT - IMLACH - MACKAY-SMITH

MR BAKER: Sirs, on behalf of the A.D.S.T.E., we fully support the statements made by Mr Lennon, and further we have supplied to Mr Lennon this day, consistent with Federal policy, documentation to that end.

PRESIDENT: Thank you, Mr Baker.

MR DOWD: Mr President, the A.S.C. & J. fully supports the submissions as presented by Mr Lennon. Further, we undertake to give to the Commission in writing today the commitment as submitted in Exhibit U.3.

PRESIDENT: Thank you, Mr Dowd.

MR BACON: Mr President, members of the Bench, on behalf of the A.B.C.E. and B.L.F., Tasmanian Branch, I give the commitment as required in line with the T.T.L.C. exhibit number 3, and we will confirm that in writing later today.

As far as the general comments made about the position of the Tasmanian Government go, we support the remarks made by all the previous speakers.

PRESIDENT: Thank you, Mr Bacon. Mr Cordwell?

MR CORDWELL: Mr President, members of the Bench, I have been authorized on behalf of the Building Workers' Industrial Union and the Operative Plasterers' and Plaster Workers' Federation to give the commitment outlined in Exhibit 3 and will give the Commission written confirmation of such after the hearing.

We also endorse the comments of the Teachers' Federation and the Public Service Association.

PRESIDENT: Thank you, Mr Cordwell.

MR HANSCH: Mr President, members of the Commission, on behalf of the Transport Workers' Union we would like to support the submissions from the previous speakers. The

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PRESIDENT - BAKER - DOWD - BACON -
CORDWELL - HANSCH

MR HANSCH: Transport Workers' Union is prepared to give the commitment as outlined in Exhibit 3 and will confirm this commitment at the conclusion of these proceedings.

PRESIDENT: Thank you, Mr Hansch.

MR GRANT: Mr Commissioner, members of the Bench, the Royal Australian Nursing Federation supports the commitment given in the terms laid down by Mr Lennon in Exhibit U.3. I have handed up a letter addressed to the Commission, signed by the Secretary of the Royal Australian Nursing Federation in those terms and to that effect.

PRESIDENT: Thank you, Mr Grant.

MR NIELSEN: Mr President, members of the Commission, on behalf of the Ambulance Employees' Association, the Bakery Employees' and Salesmen's Federation of Australia, the Federated Millers and Mill Employees' Association of Australasia, we support the statements made by the other speakers in regards to the current attack on the Industrial Commission, and also are prepared to give the undertaking as expressed in Exhibit U.3.

PRESIDENT: Thank you, Mr Nielsen.

MR HEVEY: Mr Commissioner and members of the Bench, on behalf of the Plumbers' and Gasfitters' Employees' Union I have been authorized to give the commitment as outlined by Mr Lennon's document handed to you. We also support the comments made by the previous speakers. The commitment on behalf of this union is given on behalf of the 5 Tasmanian State awards which ...

PRESIDENT: Thank you, Mr Hevey.

MR THOMPSON: If it pleases the Commission, I wish to give the commitment on behalf of the Operative Painters' and

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MR THOMPSON:

Decorators' Union, Tasmanian Branch, as outlined in U.3 by Mr Lennon. We will confirm this later in writing, and we support the words outlined by the previous speakers.

PRESIDENT:

Thank you, Mr Thompson.

MR GILL:

If the Commission pleases, the Federated Furnishing Trade of Australasia, Tasmanian Branch, is prepared to give the commitment as outlined in U.3, and is prepared to give the commitment in writing.

MR CUSHION:

If the Commission pleases, the Musicians' Union of Australia, Hobart Branch, has empowered me to give the commitment in accordance with Exhibit U.3. In my capacity as State Secretary I am also empowered to give the same commitment on behalf of the northern branch.

I would support the statements of the previous speakers and add one final comment, if I may. Because of my previous experience as a Federal secretary, I am well aware of the requirements of the various sections of the Principles, and we as an organization would be very disappointed if, by their actions, this State Government brought about the undoing of any of these Principles and the centralized wage-fixing system. Thank you.

PRESIDENT:

Thank you.

MR ALLEN:

If it please the Commission, I am authorized on behalf of the Association of Professional Engineers of Australia, Tasmanian Branch, to undertake that the association will make no extra claims, either award or over-award, except where such claims are consistent with the Principles as enunciated by the Full Bench in its decision dated 22 July 1986.

PRESIDENT:

Thank you, Mr Allen.

MR HARPER:

If the Commission pleases, I, on

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PRESIDENT - THOMPSON - GILL - CUSHION
- ALLEN - HARPER

MR HARPER:

behalf of the Committee of Management of the Federated Ironworkers' Association, Tasmanian Branch, support the commitments given in the T.T.L.C. Exhibit U.3, and those commitments will be given in writing later today.

I also endorse the comments of the T.T.L.C. Secretary and the representatives of the Tasmanian Teachers' Federation and the Tasmanian Public Service Association, as well as the other speakers. If the Commission pleases.

PRESIDENT:

Thank you, Mr Harper.

...

MR SHELVERTON:

... the undertaking as given by the T.T.L.C. Secretary, Paul Lennon, and will confirm in writing this association's commitment as outlined in Exhibit U.3.

(ATAEA)

PRESIDENT:

Thank you, Mr Shelverton.

MR ADAMS:

Sir, on behalf of the A.M.W.U., we fully support the comments made by Mr Lennon and others, and we are prepared to give the commitment as outlined in Exhibit U.3. We have made a written confirmation of that commitment available to Mr Lennon and, in giving the commitment, would indicate to the Commission that the commitment is consistent, apart from Point 5, to the commitment given by our Federal body to, and accepted by, Mr Justice Williams in the matter C. No. 3114 of 1986, the Metal Industry Award, heard on July 23.

PRESIDENT:

Yes, thank you, Mr Adams. Mr Forster?

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MR FORSTER:

Yes, I'm authorized by the Australasian Society of Engineers Federal Council to give a commitment in regards to U.3 presented to you by the State branch of the A.C.T.U.

PRESIDENT:

Thank you, Mr Forster. Mr Edwards or Mr Willingham, do you wish to make any comments?

MR WILLINGHAM:

Mr President, it's my understanding that your decision of 22 July has quite unequivocally specified the reasons for this hearing today. If I could refer you to page 36 of the Full Bench decision.

"Accordingly, we intend to reconvene on 29 July 1986 for the purpose of taking" (and the underlining is the Commission) "individual commitments from individual employee organisations."

Those giving the necessary commitment will need to be authorised by the organisation on whose behalf it is to be given.

Each organisation of employees will be required, subject to the jurisdictional question, to unequivocally engage itself not to pursue any extra claims, award or overaward, except in compliance with the principles..."

The ultimate form of commitment to the Principles that is accepted by this Commission is of course a matter for the Commission to determine, but it would strike me, Mr President and members of the Bench, that Exhibit U.3 is very clearly not an unequivocal commitment to the Principles.

I don't have a quarrel, and neither does the Minister for Public

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PRESIDENT - FORSTER - WILLINGHAM

MR WILLINGHAM:

Administration, with Point 5. It was discussed and agreed between all parties and this Commission that the Tasmanian Government would give effect to such legislative amendments as are necessary to give this Commission the power to deal with superannuation matters.

That was consistent with the decision in print G3600.

We go to point 1, Mr President:

"The right to take industrial action is not prohibited".

Well, I'd just like to refer the Commission and some of the other parties to Section 54(2) of the Industrial Relations Act which reads, if I may quote:

"An organization of employees, any members of such an organization, or an employee shall not counsel, take part in, support, or assist, directly or indirectly, a strike or the imposition of work bans or limitations on account of a matter for which provision is made in an award."

So whilst the provision in an award certainly wouldn't cover all matters in which industrial action might occur, it certainly covers quite a number of them. So it is not correct to say that industrial action is not to some extent prohibited by the very act which the previous speakers have so ardently sought to uphold.

Point 2. in Exhibit U.3:

"The commitment does not imply acceptance of every statement made by the Full Bench in the Reasons For Decision.

I'm not entirely clear because Mr Lennon and previous speakers didn't

MR WILLINGHAM:

address it as to what that means. If it means that you accept the Principles in their entirety, I don't suppose I have any difficulties with what it says.

If it means that you can cavil at the reasons behind the decision and therefore cavil at the decisions which form the actual Principles themselves, then I do have a quarrel and I'd invite Mr Lennon perhaps to expand on that in his right of reply.

The commitment being for 6 months, we have no quarrels with and I will reiterate the point that I made in the National Wage Case flow-on decision before the Bench about the dates, 1 January 1987 and 1 July 1987.

The claims can only be before this Commission when those actions and those decisions of the Federal Commission have been made, have taken place and the decisions known, and I think this Commission is putting itself in almost an impossible position if it commits itself to making a decision by 1 January with the eventuality possibly occurring that the Federal case hasn't concluded, and the classic example of that of course is the recently finished national wage case which was due in April and came down in July.

How this Commission is then expected to reach decisions according to this point number 4. in Exhibit U.3 is quite beyond me.

COMMISSIONER GOZZI:

Mr Willingham, on page 37 of our decision (and 38) I thought we'd covered that point.

MR WILLINGHAM:

I don't say that the Commission hasn't covered it. I haven't read the decision more than once. I couldn't bring myself to do it, but certainly in Exhibit U.3 point 4. is the matter to which I was referring Mr Commissioner.

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COMMISSIONER GOZZI - WILLINGHAM

MR WILLINGHAM:

As far as this Government's attitude to the centralized wage fixation system, I invite previous speakers to examine transcripts of all proceedings before this Commission, and indeed, the Federal Commission, since September 1983 and as recently as the occasion of the flow-on hearing proper and there can be no doubt in anybody's mind what the Government has said about its position in respect of a commitment to an orderly centralized wage fixation system.

MR EVANS:

That's the joke of the day.

MR WILLINGHAM:

The other debate that has taken place both on transcript and by way of aside is, I understand, a matter to be heard by this Commission on Thursday and I'll be only too pleased, Mr President, before you to expand on any of the other matters which are ancillary to this commitment hearing that have been raised by others.

PRESIDENT:

Yes, thank you, Mr Willingham. Mr Edwards?

MR EDWARDS:

Thank you, Mr President. Like Mr Willingham, we do have reservations in respect of the form of commitment offered this morning by the T.T.L.C. and the other unions that have accepted the Exhibit U.3.

In particular we have a quarrel with the point number 1. contained in Exhibit U.3 which seeks to reserve unto the trade union movement, some right to take industrial action.

The Principles and the Full Bench decision require, on page 36 as quoted by Mr Willingham, the unions to give an unequivocal undertaking in the terms outlined in Principle 2.

The commitment offered this morning by the trade union movement is, in our submission totally unacceptable and is not in accordance with the

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PRESIDENT - WILLINGHAM - EDWARDS - EVANS

MR EDWARDS:

spirit and intent of the Principles which is to provide for a centralized and orderly wage fixation system.

In that respect, sir, I would quote from transcript of Mr Lennon's submissions to the Commission on page 10, when Mr Lennon said:

"There isn't any indication in my view that the Government wouldn't be prepared to stand by that commitment and allow superannuation to be dealt with in an orderly process."

And later in that same page, Mr Lennon said:

"In our view, to use its good offices ..."

And he is talking about the Commission.

"... to attempt to bring the parties together in the interests of industrial relations."

I would suggest, sir, point number 1. on Exhibit U.3 is not designed to bring the parties together, nor is it designed to facilitate an orderly wage fixation system.

Additionally we say it is totally inappropriate that this Commission be asked to give its stamp of approval to a proposal that industrial action of any sort, in support of any claim, is acceptable.

We ask the Commission, not only to refuse to accept the qualified form of the commitment offered this morning, but to also issue a statement in the strongest possible terms, indicating that prima facie any industrial action in support of claims could be deemed to be a breach of the Principles.

There is no inalienable right for

MR EDWARDS:

employees to take strike action. Obviously to do so is in fundamental breach of the contract of employment.

If the Commission contemplates acceptance of this totally improper 'Claytons' commitment, they must also contemplate giving their stamp of approval to allowing employers to use lock-outs with impunity when faced with a claim they do not agree with.

Frankly, giving the unions an unqualified, unfettered license to take industrial action is to give approval to the law of the jungle, which is the very thing Mr Evans stated this morning that he was aiming to keep away from.

It also would tend to legitimize actions which could otherwise be illegal under the contract of employment.

The acceptance of a term that legitimizes industrial action would also be contrary to the spirit and intent of the aims and objectives of the Industrial Relations Act itself which is to prevent and settle industrial disputes, and that's more particularly set forth in Section 20 of the Act.

The President of the Conciliation and Arbitration Commission, in a most unfortunate and sorry statement, said that he believed it was inappropriate to ask unions to give a commitment not to go on strike.

That is a statement which in our view is ill-conceived and also blatantly wrong, and that it is not only realistic to expect a no-strike commitment from unions, it is to our mind, almost mandatory.

PRESIDENT:

About any matter, Mr Edwards?

MR EDWARDS:

I don't see any reason why industrial action need be taken, sir, when it can be brought before this Commission.

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PRESIDENT - EDWARDS

MR EVANS: Ask your mate alongside you what he does.

MR EDWARDS: I believe you've already asked them, Mr Evans.

MR REES: Order gentlemen, order.

MR EDWARDS: As to the statement contained in Exhibit U.3 asking the Commission to begin its national wage cases at a time which ensures that all union claims before the Bench can be determined and implemented by 1 January, I agree with Mr Willingham that that is meaningless in that this Commission cannot commence to hear a claim until such time as the Federal Commission has handed down its decision, and the trade union movement respond by issuing a claim.

The T.C.I. have been consistent in urging prompt and expeditious flow-on hearings so long as unions lodge their claims expeditiously, and therefore we will believe no delay or as little delay as possible, will ensue.

I add only that if the unions were to get their act together prior to such a flow-on hearing taking place and were to give their commitments at the initial hearing as urged by Mr Abey, it would serve to greatly expedite proceedings and would avoid this type of exercise we are currently involved in.

In summary, Mr President, we say in the strongest possible terms that the Commission should refuse to accept, as we do, the qualified commitment offered by the unions.

The Bench should then require if the operative date of the decision is to be preserved, that the unions here and now, unequivocally commit themselves to the Principles that they themselves sought without seeking to qualify that commitment in the form they have sought to do in Exhibit U.3. If the Commission pleases.

PRESIDENT: Thank you, Mr Edwards. Yes, Mr Taylor?

MR TAYLOR: Mr President and other members of the Commission, I rise to support the submissions of Mr Edwards.

Mr Edwards has put it so succinctly I don't think I would wish to expand on it. I simply support his submission.

PRESIDENT: Yes, thank you, Mr Taylor.

Gentlemen, ladies, we propose to adjourn now to consider what has been said and we will reconvene ...

You want a right of reply, Mr Lennon, do you?

MR LENNON: Thank you, Mr President. I'm not too sure what I need to reply to.

PRESIDENT: I'm not too sure that you get one.

MR LENNON: Both the Government and the employers appear to be of the opinion that the commitment that we are prepared to undertake to give is not tight enough.

MR LENNON:

To satisfy them, I suppose that that's what they need to say - to satisfy their members. But it should be understood that the Commission (and it's been enunciated in the national wage case recently) has the right to consider whether industrial action taken by organizations and unions in support of their membership from time to time is or is not inconsistent with the Principles. And I remember the last national wage case, that the Commission here did that very thing with respect to our dispute in the Cascade Breweries.

And I don't believe that it is unreasonable for us to lodge the commitment in the form that it is. In the statements that I made surrounding the commitment, a clear indication was given by us (if it needed to be given, indeed) that we would seek to operate in an orderly system.

It's not us that's putting the system under threat, it's other people. It's the employers who are putting the system under threat at the moment.

And the spirited submission put by Mr Edwards should have more properly been put to other parties other than trade unions on this occasion, I believe.

And certainly, so far as the union movement is concerned, we don't accept the argument that the commitment that we are prepared to give is unequivocal. It is in line with the commitment that is being given across the country by the trade union movement. In that sense it doesn't depart from a national commitment by the trade union movement to the Principles in the centralized wage-fixation system.

Our record speaks for itself, particularly in Tasmania. It's very difficult for the employers, or anybody else, to point the Commission

MR LENNON:

to areas where the trade union movement in this State has operated outside the Principles in this State award area.

And given our record, I don't believe that there is any inherent threat, if that's what's implied by the employers, by the fact that our commitment is in the term that it is.

On the point of point 2, where Mr Willingham invited me to respond and placed a lot of weight with respect to 54(2) (which I'll come back to in a minute). But in respect of point 2, we are being asked to give a commitment to the decision; that is, to grant the 2.3 and the Principles. And we're being asked and told that the 2.3 will be processed into awards if we give a commitment to the handing down of that decision. We're not being asked to give a commitment to the accompanying statements that come with the decision. And that's the reason that point 2 is there. It should not be implied that we either agree or disagree with everything that is contained in the Commission's decision.

But nevertheless, I don't think that we are being asked at any stage, and we are simply clarifying the position, that we should give a commitment to the accompanying statements with the decision. We are being asked to give a commitment to the decision.

Perhaps I could throw the ball back into the court of the Government and equally ask them whether they're prepared to give a commitment to all of the statements that are made in the Commission's recent decision, because if they're now saying that we're compromising the position somewhat, perhaps I could rightly ask them what their position is.

MR LENNON:

With respect to section 54 (2) - I mean, it's unrealistic of people to expect in a climate of industrial relations within which we live, that they are now trying to say that clauses within the Industrial Relations Act should be literally interpreted. I mean, they are being better than anybody else at this stage.

And Mr Edwards giggles, but ... I mean, I simply say to people that the trade union movement within this State, more than anybody else it now seems, is committed to the Principles in the wage-fixation system. We take it seriously.

We considered our commitment seriously and we ask the Commission to adopt it in its total form and not be side-tracked by the sort of nonsense that we had to listen to just a minute ago.

PRESIDENT:

Yes, thank you. Well now we will adjourn until 2.30 p.m., when we will advise you whether the commitments are acceptable or otherwise.

...

PRESIDENT:

We have considered the form of commitment given today by all employee organizations. That commitment is outlined in Principle 2 and should be expressed in the following way:

"NO EXTRA CLAIMS

It is a term of this award, arising from the decision of the Tasmanian Industrial Commission in the State Wage Case of July 1986, the terms of which are set out in the Appendix to the decision in Matters T.432, T.435 and T.440 of 1986, that the unions undertake that for a period of six months they will not pursue any extra claims, award or overaward, except where consistent with the Wage Fixing Principles."

We have noted the additional comments made in giving that commitment, as well as those of employer representatives in response to those undertakings.

We remind all parties that the Commission's decision of 22 July contained the following, at page 34:

"Subject to what we have said about occupational superannuation, we believe we should reproduce and adopt as our own the views of the Australian Commission regarding commitment to the new Wage Fixing Principles as a condition precedent to the flowing on of the 2.3 percent National Wage adjustment.

The Australian Commission said, at page 28 of its decision:

"We are of the opinion that any claims that there has been a breach of commitment, whether on the grounds of disputation or otherwise,

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PRESIDENT

PRESIDENT:

should be closely examined and tests applied on an individual award basis. In our view any industrial action on matters covered by the guidelines is unnecessary and contrary to their spirit and intention."

We again emphasize that this Commission has not and will not condone the taking of industrial action, given the processes available under the Industrial Relations Act 1984.

When the views of the unions are linked with the form of undertaking to be included in each award, together with Mr Lennon's statement endorsed by all organizations, that:

"The Tasmanian Trades and Labor Council will not support claims inconsistent with the principles, nor are we suggesting that claims for Superannuation should be made inconsistent with Principle 3. Our clearly preferred view is that negotiations should take place and the Commission should prepare to conciliate."

We are of the opinion that: Subject to being satisfied that all employee organizations having a registered interest in all awards and agreements of this Commission have given the necessary undertaking, there is no reason why we should not now refer to individual members of the Commission for processing, implementation of the 2.3 percent decision, and we decide accordingly.

That concludes this matter.

HEARING CONCLUDED