

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 226 of 1985

IN THE MATTER OF an application
by the Transport Workers' Union
of Australia, Tasmanian Branch to
vary the Agriculturists Award

re title and scope

COMMISSIONER WATLING

HOBART, 28 February 1992
continued from 29/1/92

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER WATLING: I'll take appearances in that matter please.

MR G. COOPER: If the commission pleases I appear on behalf of the Australian Workers' Union, Tasmanian Branch, COOPER G.

COMMISSIONER WATLING: Thank you. No other appearances?

MR W.J. FITZGERALD: I appear on behalf of the Tasmanian Confederation of Industries, FITZGERALD W.J.

COMMISSIONER WATLING: Good.

MR G. WARN: If it pleases the commission, WARN G. I appear on behalf of the Transport Workers' Union of Australia.

COMMISSIONER WATLING: Good, thank you very much.

MR D. STRICKLAND: If the commission pleases, STRICKLAND D. appearing on behalf of the National Union of Workers, seeking leave to intervene on the grounds that we believe that the creation of this proposed new award has a direct impact on the Produce Award.

COMMISSIONER WATLING: Right, well this actual - you might want to see whether your application for intervention is relevant. This particular hearing - we've got a number on today, but this particular one is in relation to the operative date of a decision that's already been made. The decision was handed down on 31 August - sorry, 30 August 1991 and it altered the title and the scope of the Agriculturists Award.

There is no order issued and the decision stated that this matter will be reconvened at an appropriate time in the near future to consider the operative date. I handed down a decision in principle on the alteration of the title and the scope. We need to determine the operative date. So, Mr Strickland, I'm not too sure whether your intervention is relevant in this one or when we go to look at the next application, which is the contents of the new - or the restructuring of the new Farming and Fruit Growing Award. The decision has already been made that it be called Farming and Fruit Growing; the decision has already been made to alter the scope. So it might be -

MR STRICKLAND: Well maybe if I withdraw my appearance for this matter and wait until the later one. Thank you.

COMMISSIONER WATLING: Right. Mr Cooper?

MR COOPER: Yes, commissioner, as I understand it this matter that's on now is merely to determine a date, an operative date for the title and scope for the Farming and Fruit Award which is actually a variation of -

COMMISSIONER WATLING: Well it's to determine an operative date for the decision.

MR COOPER: Yes, which gave effect to the -

COMMISSIONER WATLING: Which gave effect to altering the scope and the title.

MR COOPER: With respect to that matter, commissioner, could we put a prospective date on that or would that be better -

COMMISSIONER WATLING: Yes, I'm open to suggestions. Obviously, it's got to link with anything else that's coming in.

MR COOPER: Well what I'd suggest, commissioner, is that we forward a prospective date for that order to give effect to and that date is 13 March 1992, first full pay period on or after 13 March 1992.

COMMISSIONER WATLING: First full pay period to commence on or after the -

MR COOPER: 13 March. Thank you, commissioner.

COMMISSIONER WATLING: Rightio, any further submissions?

MR FITZGERALD: Commissioner, I'm just at somewhat of a disadvantage in that we were certainly talking in terms of a prospective date, which I would agree with, but I'm not certain about, given Mr Rice's absence, and I did also fail to indicate that in this matter I will be appearing on behalf of the Tasmanian Farmers and Graziers Association. I apologise for that. Mr Rice will be here later on in the day.

COMMISSIONER WATLING: If we haven't finished.

MR FITZGERALD: If we haven't finished. But it's his intent, I understand, to be here for this afternoon's session.

COMMISSIONER WATLING: That's if we go that long.

MR FITZGERALD: That's if we go that long, I understand that, commissioner. But he's asked me to pass apologies on to the commission that he was unavoidably detained.

I, unfortunately, haven't had the benefit of discussions which occurred yesterday between Mr Cooper and Mr Rice as to operative date and I would just seek to go off the record for a moment so we could have some brief discussion on that, just to confirm that date. In essence, in principle, commissioner, I don't think that will pose any problem but I'd certainly like to have some discussion with Mr Cooper before we actually

indicate our acceptance.

COMMISSIONER WATLING: Rightio, we'll go off the record.

OFF THE RECORD

COMMISSIONER WATLING: Mr Fitzgerald?

MR FITZGERALD: Thank you, commissioner, for the benefit of going off the record for some brief discussions. Commissioner, on behalf of employers in the industry subject to this award, we are able to indicate in terms of title and scope the acceptance of the proposition put by Mr Cooper, and that being that the award in terms of title and scope would have operative effect from the first full pay period occurring on or after 13 March 1992. If it pleases.

COMMISSIONER WATLING: Good, thank you. No further submissions in relation to this matter? Well I can indicate to the parties that I'll hand down a written decision in due course and the operative date of that decision handed down on 30 August 1991 varying scope and title to the Agriculturists Award, will be from the first full pay period to commence on or after 13 March 1992. That now closes this matter.

HEARING CONCLUDED