

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T Nos 4060 and 4065 of 1992

IN THE MATTER OF an application by
the Textile, Clothing and Footwear
Union of Australia, Tasmanian
Branch to vary the Bootmakers
Award

re change of name due to
amalgamation; determination of
interest

COMMISSIONER GOZZI

HOBART, 4 November 1992

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: I intend to join these applications. Could I have appearances in both matters please.

MR D. CAPSTICK: CAPSTICK DESMOND, Textile, Clothing and Footwear Union.

COMMISSIONER GOZZI: Thank you, Mr Capstick. Now, similar processes with the Textile Award, Mr Capstick, dealing with determination of interest first and having regard to the criteria outlined in section 63(10)(c) of the act, can you indicate that you have a membership in that area where the Bootmakers Award applies.

MR CAPSTICK: I cannot do that, sir, at this point in time. We don't have members although we are obviously seeking membership in that area. So I don't actually have members at this point in time.

COMMISSIONER GOZZI: Have you had members?

MR CAPSTICK: I beg your pardon?

COMMISSIONER GOZZI: Have you had members?

MR CAPSTICK: Apparently at one time long before I came into this position and it's the usual story of membership falls off or they get fragmented into small businesses. What that membership would cover would be the boot repairers and those sort of things and they're pretty hard people to get to join the union because they work for a boss or work for themselves in small groups of two and three and, whilst we're seeking membership or we're seeking to get membership, we haven't at this point in time. To my knowledge, we don't actually have any members. It's a difficult one. We obviously feel there should be members. As a union man obviously I would say that, but at this point in time, no.

COMMISSIONER GOZZI: The Bootmakers Award in this state is intended to pick up those employees -

MR CAPSTICK: That's what the state award is

COMMISSIONER GOZZI: Yes, who are not covered by the federal award.

MR CAPSTICK: No, they have never been - what's the term for it - never been cited or roped in under the federal award, they've always been a state award. That's why they're still called the bootmakers, whereas it's now become the footwear union or was the footwear union on amalgamation with the textile union. And the name bootmakers is still there as such and I can't - it's no good saying I have if I haven't, it's pointless.

COMMISSIONER GOZZI: No. Well the point is, of course, if you haven't got members you don't meet the criteria. We'd better go off the record for a moment.

OFF THE RECORD

COMMISSIONER GOZZI: It appears at the moment, Mr Capstick, that with respect to an interest in the Bootmakers Award you cannot satisfy me that you have membership in that award area, and to be more precise in the language of the act, that you've got members in the industry subject to the Bootmakers Award. In the circumstances I intend to adjourn this application - we'll just go off the record for a minute.

OFF THE RECORD

COMMISSIONER GOZZI: Well, following our discussions we'll adjourn the two to 10 o'clock on 13 November, and because we can't proceed with the determination of interest I can't proceed further with the name change matter either because it's obviously a prerequisite to have the determination of interest made first. So hopefully we can resolve the issue by next Friday.

MR CAPSTICK: I'll make every effort.

COMMISSIONER GOZZI: All right. Well these proceedings are adjourned to 13 November. Thank you.

HEARING ADJOURNED