

**IN THE TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

**T.2372 of 1990**

**IN THE MATTER OF AN APPLICATION  
BY THE ASSOCIATION OF EMPLOYERS  
OF WATERSIDE LABOUR TO VARY THE  
SHIPPING AWARD**

**RE: DIVISION D - WHARF AND/OR  
SHIPPING WATCHMEN**

**DEPUTY PRESIDENT**

**HOBART, 30 May 1990**

**REASONS FOR DECISION**

**APPEARANCES:**

For the Association of Employers - Mr S. Meehan  
of Waterside Labour

**DATE AND PLACE OF HEARING:**

18 May 1990

Hobart

This matter concerns an application by the Association of Employers of Waterside Labour (AEWL) to vary the Shipping Award by removing all references to wharf and/or shipping watchmen, and the AEWL's own name as one of the "parties and persons bound".

An exhibit detailing the full extent of the items to be removed was provided by the applicant in this matter.

Following receipt of the application the Registrar provided all parties, who have an interest in the Shipping Award, with a copy of such application by a notification dated 11 April 1990. Those same parties were then subsequently advised on 10 May that a hearing to deal with the application would be held on Friday 18 May 1990.

When the hearing opened no organisation other than AEWL was represented.

The Commission had however received advice from the Tasmanian Confederation of Industries (TCI) that it was unable to attend.

In all of these circumstances the matter was heard ex-parte.

Mr Meehan for AEWL traced the history of developments and consultations which have taken place in relation to waterfront reform over recent years. In particular AEWL has been involved in extensive discussions in a number of forums with the FMWU

dating back to August 1987, aimed at rationalising waterfront security arrangements. These discussions concluded in an agreement being reached on 20 February 1990.

The background to this position being reached stems from a directive issued by the Federal Minister for Transport in December 1986 to the Interstate Commission (ISC) to review arrangements for the handling, storage and movement of cargoes through Australian ports, and to develop an integrated plan to improve the performance of the waterfront.

Also late in 1986, as a result of contract negotiations between AEWL and the WWF the Stevedoring Industry Review Committee (SIRC) was established, with the charter of considering all aspects of improving productivity in the stevedoring industry and the removal of any restrictive practices which impact on efficiency. The SIRC was comprised of other industry unions including the FMWU, as well as the ACTU, and was chaired by Sir John Moore representing the Australian Government.

Without detailing the various matters dealt with by the ISC and the SIRC, suffice to say that in September 1989 an "in principle" agreement was reached under the auspices of a third body, the Waterfront Industry Reform Authority (WIRA) which encompassed all facets of the stevedoring industry. The industry agreement was signed by all industry unions, employers, the ACTU and the Commonwealth of Australia.

Included in the "in principle" agreement was the removal of the gangway watchman classification and an early (voluntary) redundancy scheme to be put into place to allow surplus watchmen to depart the industry.

Apart from certain local arrangements applying in particular ports remaining waterfront security officers would transfer their membership to the WWF.

Subsequently on 20 February 1990 AEWL and the FMWU concluded an agreement to give effect to those matters agreed in the "in principle" agreement.

So far as its application to Tasmanian ports is concerned it provided as follows:

1. Removal of the gangway watchman classification, generating a surplus of 11 watchmen.
2. Voluntary redundancy for 6 of those watchmen.
3. Redeployment of those remaining watchmen as waterside workers and transfer of their union membership to the WWF.

Since the matter must be regarded as one of consent to remove now redundant provisions from the award and represents but one of the

necessary steps to implement positive productivity and efficiency reforms in the stevedoring industry the application is granted.

**DATE OF EFFECT**

This variation shall have effect on and from 18 May 1990.

The order detailing the variations is attached.

