

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T. No. 91 of 1985

IN THE MATTER OF Interpretation
Hospitals Industrial Board
Award

re Shift Workers Annual Leave

PRESIDENT

HOBART, 17 April 1985

TRANSCRIPT OF PROCEEDINGS

PRESIDENT: Appearances thank you.

MR. IMLACH: If the Commission pleases Mr President **PETER IMLACH** together with **MR. BEVAN CONNOLLY** appearing on behalf of the Hospital Employees' Federation of Australia (Tasmanian Branch) No.1.

PRESIDENT: Thanks Mr Imlach.

MR. FITZGERALD: If the Commission pleases I appear on behalf of the Tasmanian Chamber of Industries **FITZGERALD, W.J.**

PRESIDENT: Thank you Mr Fitzgerald. Yes Mr Imlach.

MR IMLACH: Mr President this matter has arisen...perhaps if I just read from our application first.

MR. FITZGERALD: Mr President if I can just interrupt? I am sorry to interrupt at this point of time. We have had some discussion about a possible adjournment. Prior to Mr Imlach actually indicating how the application arose and speaking to it I just wonder if I could speak to my application (and it appears with Mr Imlach's agreement for an adjournment of this matter) I have got some personal circumstances which prevent me proceeding this morning and we have in fact arrived at an agreed date. I wonder if it would be more appropriate if I spoke to that first rather than hearing Mr Imlach at this point of time.

PRESIDENT: Well if you have mutually agreed upon an adjournment I suppose there is not much point in going on with it.

MR FITZGERALD: Well I think it would be fair if I just put on record a number of aspects of why I am seeking adjournment and also the fact that Mr Imlach has indicated he is ready to proceed today.

Would it be appropriate to do so sir?

PRESIDENT: Well I will hear you now.

MR FITZGERALD: Right thank you.

CD - 17.4.85 APPEARANCES - PRESIDENT - FITZGERALD

MR FITZGERALD:

Mr President I am in a situation unfortunately where I have got two complicating factors. One is that the matter which is a serious matter in our view and needs some preparation. I understand that this Commission has always acted very expeditiously but unfortunately in this case it has caught me in a situation where I have not had adequate time to prepare submissions. I only in fact received the application or the notification of the hearing late Friday.

But apart from that fact sir I am involved in (as you would probably be aware) an urgent meat industry hearing which has in fact been set down for 11 o'clock. That involves a stoppage where the employees concerned have in fact been on strike and continue to be so. For that reason Commissioner Gozzi has attempted to get the earliest possible hearing date. 11 o'clock today was subject to my real availability from this hearing. So that is the other complicating factor.

I regret having to take this course sir but I believe there is no other way for me to proceed but not to proceed today.

We did have some discussion. Mr Imlach is not understandably happy with that situation but we have arrived at an agreed date and we realise that your normal course is not to sit on a Friday. But I wonder if in this instance because of our problems with certain times whether Friday the 10 May might be a suitable time for all the parties including yourself sir.

PRESIDENT:

Yes.

MR FITZGERALD:

If the Commission pleases I then formally request an adjournment for that date sir.

PRESIDENT:

Yes. We will see what Mr Imlach has to say about it first.

CD - 17.4.85

FITZGERALD - PRESIDENT

MR IMLACH:

Yes. Well Mr President I do acknowledge that I have agreed with Mr Fitzgerald to an adjournment but only because I feel (on what Mr Fitzgerald says) he is in a predicament.

I am ready to start and anxious to get going. The 10 May (whilst that again is to suit Mr Fitzgerald) I am ready any time but I would not like to be imposing on him for a continuation now if he says he is not ready for good reasons. That is my position.

PRESIDENT:

Yes. Well I do have some knowledge of Mr Fitzgerald's immediate problem. I think perhaps it is fortunate for him that he does not have the same problem in relation to this matter. He could also have the same kind of problem. As it happens I understand there is no suggestion of any direct action this one at this stage Mr Imlach.

MR IMLACH:

No Mr President there is not. That is one thing that does get under our skin and that is sometimes people know these things and the industry that we are in we find it hard to swallow such a situation. Nevertheless I will go back...

BACKGROUND TALKING

PRESIDENT:

In view of the rather pressing circumstances that Mr Fitzgerald finds himself in and having regard for your understanding view in the circumstances on this occasion Mr Imlach it is my intention to grant the adjournment on the understanding that this matter will resume at 10.30 a.m. on Friday 10 May.

However I do feel that having acceded to your request Mr Fitzgerald I think it only reasonable that between now and the 10 May if you can find time to meet with Mr Imlach you ought to do so with a view to exploring the processes of conciliation to see if it is not possible between now and

CD - 17.4.85

PRESIDENT - IMLACH

PRESIDENT: May to find some common ground on this application.

MR FITZGERALD: Thank you Mr President. I certainly agree with that sir. Of course I can indicate that we have done that in the past. One of my problems sir is that amongst my members there is a fairly wide diverse mode of application of this particular clause in the award and for that reason I suppose we are anxious to get it sorted out as well for our members sake.

So at this point of time even though your suggestion I think has merit I do not think it will probably see us reaching a particular resolution of the problem.

PRESIDENT: Yes. Very well. Thank you.

We will now adjourn then.

PROCEEDINGS ADJOURNED TO FRIDAY 10
MAY 1985