

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for award or variation of award

**Australian Workers Union
Tasmanian Branch
(T.3313 of 1991)**

SHELLFISH INDUSTRY AWARD

COMMISSIONERS R J WATLING

18 February 1992

Making of award - wage rates and conditions of employment

REASONS FOR DECISION

The Commission in its decision of 30 August, 1991 granted an application to establish the Shellfish Industry Award¹. This award was made in respect to the industry of producing live shellfish including the marine farming of oysters, mussels, clams, scallops and abalone.

In an Order arising out of application T.3391 of 1991 the Australian Workers' Union, Tasmania Branch (AWU) and the Tasmanian Confederation of Industries (TCI) were granted an interest in that award.

This decision arises out of the continuation of application T.3313 of 1991 and constitutes the final step in the making of the Shellfish Industry Award. Specifically, it relates to the making of rates of pay and conditions of employment.

At the commencement of the hearing the parties presented a consent document (exhibit AWU2) in the form of a draft order which contained a four level wage structure that comprehended increases arising out of (a) the Structural Efficiency Principle and (b) the State Wage Case of August 1991.

The classification relativities having been established one to another, the wage rates contained in exhibit AWU2 require no minimum rates adjustments.

It is not my intention in this decision to reproduce a summary of all the submissions presented in this case because they can be found in the transcript, but it is clear from my examination of the draft new award and the submissions presented that:

¹ T.3313 of 1991

- (a) the classification structures and the conditions of employment have been specifically developed to cater for the industry - especially in relation to hours of work;
- (b) a facilitative clause is included along with a provision to the effect that an employer may direct an employee to carry out such duties as are within the limits of the employee's skill, competence and training;
- (c) there is provision for a consultative mechanism at the enterprise level to examine matters affecting efficiency and productivity.

I have arrived at the conclusion that this consent award should be made in the form outlined by the parties in exhibit AWU2 (including the operative date) and I do so for the following reasons:

- (1) it satisfies all the requirements of the Wage Fixing Principles;
- (2) nothing was put to me during the course of the hearing that would lead me to conclude that it was contrary to the Public Interest - a question the Act requires me to consider;
- (3) many of the conditions of employment are consistent with other award of the Commission;
- (4) the award is industry specific;
- (5) the degree of consent between the parties.

The order giving effect to this decision is attached.



Appearances:

Mr G Cooper for the Australian Workers' Union, Tasmania branch.

Mr G Warn intervening for the Transport Workers' Union of Australia,
Tasmanian Branch.

Mr W Fitzgerald for the Tasmanian Confederation of Industries.

Date and place of hearing:

1991

November 13

December 10

1992

February 13

Hobart