

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T2461 of 1990

**IN THE MATTER OF AN APPLICATION
PURSUANT TO SECTION 65A(1) OF
THE ACT FOR LEAVE TO RECALL THE
CERTIFICATE OF REGISTRATION OF
THE AUSTRALIAN WORKERS' UNION,
TASMANIA BRANCH**

COMMISSIONER R.J. WATLING

HOBART, 21 June 1990

REASONS FOR DECISION

APPEARANCES:

For The Australian Workers' Union, Tasmania Branch	- Mr. J. Butler
For the TFGA Industrial Association	- Mr. K. Rice
For the Woolclassers' Association of Australia	- Mr. J. Grenville

DATE AND PLACE OF HEARING:

21 June 1990 Hobart

On 27 April 1990, the Commission made a new award called the 'Shearing Industry Award' to be operative from 27 April 1990. Arising out of that decision (T2332 of 1990), The Australian Workers' Union, Tasmania Branch made application to the Registrar to have its current Certificate of Registration recalled and re-issued in an amended form on the grounds that an award in which it has an interest is not specified in the certificate.

This matter was referred to me by the President for the purpose of determining whether or not The Australian Workers' Union, Tasmania Branch had an interest in the 'Shearing Industry Award'.

The Industrial Relations Act 1984 requires me, when dealing with such applications, to take into account such matters as specified in Section 63(10)(c) which states, inter alia:

"(c) that Commissioner shall determine which awards the organization has an interest in by satisfying himself that -

(i) the membership of the organization consists of or includes members who are employers or employees in the industry or occupation to which the awards stated in its application pursuant to subsection (1)(a)(vii) relate or who are State employees to whom those awards relate;

- (ii) that membership is consistent with the organization's rules or constitution a copy of which has been lodged with the Registrar pursuant to subsection (1); and
- (iii) the organization being granted an interest in an award or awards would not prejudice the orderly conduct of industrial relations in Tasmania."

After hearing submissions relating to the application, I have satisfied myself that the AWU should be granted an interest in the 'Shearing Industry Award' and I decide accordingly.

I have formulated my decision on the facts that:

1. the application conforms with Section 63(10)(c) (i) and (ii) of the Industrial Relations Act 1984;
2. by granting the application it would not prejudice the orderly conduct of industrial relations in Tasmania; and
3. no party to the award opposed the application.

3.

I will now forward a copy of this decision to the Registrar thus enabling him to make the necessary amendments to the Certificate of Registration.

The award shall also be varied to reflect the decision with an operative date of 21 June 1990.

The Order giving effect to this decision is attached.

