

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No 2332 of 1990

IN THE MATTER OF an application
by the Woolclassers' Association of
Australia for the making of a new
award

re Shearing Industry (Woolclassers)
Award

COMMISSIONER WATLING

Hobart, 21 March 1990

TRANSCRIPT OF PROCEEDINGS

COMMISSIONER WATLING: I'll take appearances please.

MR GRENVILLE: Mr Commissioner, **GRENVILLE J.R.** for the Woolclassers' Association of Australia.

COMMISSIONER WATLING: Good, thank you.

MR JACOBS: If the Commission pleases, **JACOBS V.** for the Australian Workers' Union.

COMMISSIONER WATLING: Right.

MR RICE: If the Commission pleases, **RICE K.J.** for the TFGA Industrial Association.

COMMISSIONER WATLING: Thank you.

MR CLUES: If it pleases the Commission, I appear on behalf of the Tasmanian Confederation of Industry, **S. CLUES.**

COMMISSIONER WATLING: Thank you.

Right. Well, this matter is on for mention. It might be appropriate that we have a look at a date, but maybe we'll hear from Mr Grenville - you might just want to outline what you're seeking to do and then ...

MR GRENVILLE: Mr Commissioner, there are basically two documents on the record, as I understand it. One was the formal application wherein particulars were stated, that is, that whilst the association is presently bound by the Agriculturists Award that award is silent in terms of the protection and remuneration of woolclassers. Accordingly, we seek in some shape or form, per medium of Tasmanian legislation, to obtain the protection of a Tasmanian award in that respect.

Furthermore, sir, I went on then to write to the Commission to indicate the basis upon which the documentation was constructed.

And that was, certainly as a result of discussions between ... informal discussions between yourself, Mr Rice, and myself, concerning the need

to review the Agriculturists Award concerning the very dubious application of the Pastoral Industry Award to circumstances in Tasmania, as worded in the Agriculturists Award and the possible need, if you like, to hive off from the totality of the agriculturists story, the important area of shearing itself.

Consequently, upon those sort of bases, the association drafted an award for presentation to this Commission, which is no more than a mirror award of the federal award pertaining to woolclassers - known as the Woolclassers and Shearing Staff Employees Roping-in No.1 Award of 1969 and the Woolclassers and Shearing Staff Employees Superannuation Award 1988.

And all we did was amalgamate those two awards in a practical way and delete from the Roping-in No. 1 Award any reference to woolclassing operations in states other than that which would apply in the State of Tasmania.

The Woolclassing No. 1 Award ... Roping-in No. 1 Award tends to ... well, for a start it's got two parts and part two relates to the State of Queensland, so obviously that had to be deleted for the purposes of this exercise.

Again, in reference to a number of subclauses of the part one section of that award, Western Australia is roundly mentioned. And again those deletions naturally had to take place as having no application in the State of Tasmania.

But apart from what was just a sensible pruning of the federal award story, this document as presented to you is no more than a replica of the federal award and we are seeking to have, if you like, that federal award apply in the State of Tasmania, per medium of our right to be represented

here and per medium of a common rule approach.

There are no complications other than that.

The association doesn't really have any strong belief about whether a separate award is even necessary, although we just feel it's a tidier approach.

One of the things that occurs to me every time there is a variation of the Agriculturists Award, for example, is we get inundated with paperwork from the registrar and really we're not interested.

By coming down this path we believe that only the parties interested in the specific aspect of the industry would thus be affected and contacted and the registry operations, if you like, would be a lot smoother from their point of view.

But, as I say, we're not, you know, totally wedded. If other reasons are advanced as to why it shouldn't be part of something else, fine. As I say, we just feel that it is probably a tidy way of doing it.

COMMISSIONER WATLING:

Right.

MR GRENVILLE:

But it is no more than an application by the association to have a common rule situation apply, apropos of a federal award.

If the Commission pleases.

COMMISSIONER WATLING:

Right. Can I just say - and I don't want to get into the debate today about it, because it's really only on for mention - what I would normally do in relation to the making of a new award is that I would hear the argument on the need for the award, the name and the scope, and we would have to stop there.

Then interested organisations would have to apply to the registrar to have their certificates withdrawn.

Just say, for example, I decided that a new award should be made, it should be called the 'XYZ' Award. And just say, for example, for the sake of this discussion it was to be called the Shearing Industry Woolclassers Award, and I made a decision that there should be an award called that. The scope of the award should be 'XYZ'.

Then it would be up to people to then appeal that decision, if they didn't like my decision. And after that any interested party could apply for an interest in the award, having been determined that it be made.

They would then seek - under section 65 of the Act, and they'd apply to the registrar under section 65 - to have their certificate withdrawn and reissued with the name of the new award included in it.

That would then come back to a commissioner to determine what organisations had an interest in it.

Having determined what organisations had an interest in it, they would be issued with a new certificate with the new award in it, and then I would continue to hear the contents.

So that means I would only be dealing with the people that had an interest in the award in determining all the conditions in the award.

Does that make sense?

MR GRENVILLE:

Yes, I follow that.

COMMISSIONER WATLING:

Yes.

MR GRENVILLE:

I take it from what you're saying, Mr Commissioner, that irrespective of anything else we have to have regard for the legislation.

COMMISSIONER WATLING: Yes. Yes. Well, that's right. So we'll just ... maybe we'll just go off the record for a moment.

...

COMMISSIONER WATLING: So we will adjourn this matter until Tuesday 24 April 1990 at 10.30 a.m.

Thanks for your attendance and we'll see you then.

HEARING ADJOURNED