



Tasmanian Industrial Commission

Industrial Relations Act 1984

T No. **9685 of 2001**

IN THE MATTER OF an application by
the National Union of Workers,
Tasmanian Branch to vary the
Wholesale Pharmaceutical Award

Re: award restructure

DEPUTY PRESIDENT WATLING

HOBART, 3 August 2001

TRANSCRIPT OF PROCEEDINGS

Unedited

(WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY)
(ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS)

HEARING COMMENCED 11.32am

DEPUTY PRESIDENT: I'll take appearances, please.

MR D. STRICKLAND: If the commission pleases, STRICKLAND D. appearing for the National Union of Workers, Tasmanian Branch.

5 DEPUTY PRESIDENT: Good. Thank you.

MR J. O'NEILL: If it pleases the commission, O'NEILL J. appearing for the Tasmanian Chamber of Commerce and Industry Limited and appearing with me **RICHARD ROLLINS.**

10 DEPUTY PRESIDENT: Good. Thank you. Right, well, where do we proceed? I take it we've had some discussions?

MR STRICKLAND: Thank you, commissioner. The National Union of Workers forwarded to the TCCI a document and also to the commission principally one just reformatting the award initially. There's a lot of work to be undertaken in the restructure of this award and what we were hopeful of doing today is setting a program to allow the parties to undertake the entire restructuring of this award in accordance with the principles.

20 There have been discussions between the union and the TCCI. The TCCI have indicated they need to consult their members on some of the issues and need some time to do that, so given that discussion only took place earlier this week I guess that we're looking to set a time frame with the commission in order to complete this award review that is, I've got to say, long overdue.

25 DEPUTY PRESIDENT: Why didn't someone let me in on your big secret?

MR STRICKLAND: What's the big secret?

DEPUTY PRESIDENT: That you're coming along here to waste the commission's time for five minutes when I could have listed other matters.

30 MR STRICKLAND: Well, I didn't believe that we were coming along to waste the time because I believe it is important to set a process that this award has been before the commission.

35 DEPUTY PRESIDENT: Yes, but had I have known that that is all you wanted to do, I could have listed other matters. There are other poor people out there waiting for unfair dismissal matters to be heard. I wouldn't mind if someone keeps me in the picture on occasions - it would be very helpful. We could have listed other matters. I've tied this morning up thinking I'm going to be finalising this matter and going over the finer detail and you're just coming along and asking for

40 adjournment. In fact, you could have asked for that over the phone,
and if the parties had agreed I'd probably have pulled it out of the list.

MR STRICKLAND: Well, it may have been appropriate for that to
have happened but -

DEPUTY PRESIDENT: Well, it didn't. All right, fair enough.

45 MR STRICKLAND: - it didn't.

DEPUTY PRESIDENT: I am only making the point because you've
tied up everyone here for the sake of -

MR STRICKLAND: The point is noted. I mean it's a two hour trip for
myself as well to drive from Launceston to basically have to do nothing
50 other than set a time frame.

DEPUTY PRESIDENT: Yes, you could have done that over the phone
and informed me.

MR STRICKLAND: Could have gone to Brisbane to the National
Conference instead of staying back for a day to get this matter
55 adjourned.

DEPUTY PRESIDENT: You could have been in the sun a lot earlier.

MR STRICKLAND: Oh, well, never mind.

DEPUTY PRESIDENT: Right.

MR O'NEILL: Yes, thank you, sir. We totally concur with Mr
60 Strickland that there is still a considerable amount of work to be done
in reformatting this award in accordance with the Wage Fixing
Principles, that being principle 12 - Award Review. We do need to
consult further with our members.

DEPUTY PRESIDENT: Have you got members covered by this award?

65 MR O'NEILL: I believe so.

DEPUTY PRESIDENT: How many?

MR O'NEILL: Over five, sir.

DEPUTY PRESIDENT: So I thought there was some other nationally
registered agreements in place.

70 MR O'NEILL: Not that I'm aware of. I am not saying there is not - but
certainly not that I'm aware of at this stage without researching it, sir.
But in any event, notwithstanding if they have agreements, we would
still, as practice, consult our members if there were contentious
issues.

75 DEPUTY PRESIDENT: But they're not bound by it. I'm not interested in it.

MR O'NEILL: No, they're not bound by it but they may be in the future if their agreements expire and they come back in under the award. We don't see it as a big issue. We'd be hopeful that we can
80 come back with consent on the issues but part of our practice is that we do consult with our members.

DEPUTY PRESIDENT: Yes - whether they're covered by it or not.

MR O'NEILL: Correct.

DEPUTY PRESIDENT: Does the commission have to wait until you
85 consult with people that aren't even covered by it?

MR O'NEILL: Well, it appears that way.

DEPUTY PRESIDENT: Like the major players are definitely not covered by this award. I can tell you now because we've had the disputes about this in the past.

90 MR O'NEILL: As I said, sir, I'm not in a position to refute that or otherwise because I don't have information to hand, but I accept what you're saying, if that's the case.

DEPUTY PRESIDENT: Anyway, are you just consenting to the adjournment?

95 MR O'NEILL: We are consenting to the adjournment.

DEPUTY PRESIDENT: We'll go off the record then and we'll have a look at the timetable.

MR O'NEILL: Okay. Thank you.

OFF RECORD 11.39am

100 **ON RECORD 11.51am**

DEPUTY PRESIDENT: Let the record show we've had discussions. I'm going to consent to the adjournment and the matter will be relisted on 17 September at which time I would expect the parties to have completed their homework in respect to this award and we'll hear what
105 I would hope would be final submissions in relation to this application. The matter stands adjourned.

HEARING ADJOURNED 11.52am