



Tasmanian Industrial Commission
Industrial Relations Act 1984

T No. **9033 of 2000**

IN THE MATTER OF an
application by the Tasmanian
Chamber of Commerce and
Industry Limited to vary the
Catholic Education Award

Re: Principle 16 - Award Review
Process of the Wage Fixing
Principles (T8413 and T8433 of
1999)

DEPUTY PRESIDENT WATLING

HOBART 8 August 2000
Continued from 4 July 2000

TRANSCRIPT OF PROCEEDINGS

Unedited

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

HEARING RECOMMENCED 10.32am

DEPUTY PRESIDENT: No alteration to appearances. Mr Dilger?

MR DILGER: No, deputy president. I'll speak to the agreement.

5 DEPUTY PRESIDENT: Right. We might have to change the application. It's not principle 16 any more, is it?

MR DILGER: All right.

DEPUTY PRESIDENT: Are we happy to amend the application, it's award variation. It's Principle 12 - Award Review principle. No objections? Leave is granted.

10 MR DILGER: Thank you, deputy president. Having consulted principle 12 of the award review process of the latest State Wage Case, sir, which asked the parties to take into account the following: consistent award formatting; removal of discriminatory provisions; removal of obsolete or amendment of inaccurate award provisions;
15 updating of Clause 6 - Parties and Persons Bound; rewriting of the award in plain English; the appropriate use of facilitative provisions, and the inclusion of an appropriate enterprise flexibility clause. I can indicate, sir, that the summary of changes in accordance with the award review process has been done and that is in Appendix A, which
20 is the summary of changes of the Catholic Education Award.

The parties do come in agreement, sir, and I understand that in terms of the public interest, that this matter has been done in accordance with the Wage Fixing Principles which clearly have regard to the public interest and it's my submission that the application be approved and
25 the date of effect to be the first pay period commencing on or after today's date. If the commission pleases.

DEPUTY PRESIDENT: Thank you. Mr Bevilaqua?

MR BEVILAQUA: Mr Deputy President, I concur fully with my colleague and pursuant to section 23 of the *Industrial Relations Act 1984* and section 24 of the *Industrial Relations Act*, the Tasmanian Chamber of Commerce and Industry, an organisation of private employers with an interest in the Catholic Education Award, has lodged this application with the support of the Tasmanian Catholic Employees Association, which is an employee organisation with an
30 interest in the said Catholic Education Award and we come here today to seek an agreement to accept it's approval and consent for this application for variance of the Catholic Education Award. I fully support my learned colleague, Mr Dilger, in that the application fulfilled all the requirements of the *Industrial Relations Act* and believe
35 that the award variations requested do not conflict with section 36 of the Act in relation to public interest and also fulfil the requirements as to principle 12 of the Wage Fixing Principles for award review process
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of the Wage Fixing Principles thereof and therefore we fully endorse and support the application by the Tasmanian Chamber of Commerce and Industry for variation of this award.

5 DEPUTY PRESIDENT: It's been a long process but we've finally jumped the hurdle. That's really good. I'll hand down a written decision in due course. It will be in favour of the application and it will be operative from the first full pay period to commence on after today and if you just allow us a bit of time to do the paperwork - hopefully not that long but we'll get around to it very quickly. Thank you.

10 The hearing is concluded.

HEARING CONCLUDED 10.36am