

PRESIDENT: Appearances please.

**MR G. COOPER:** If the commission pleases, I appear on behalf of the Australian Workers Union, Tasmania Branch, COOPER G.

PRESIDENT: Thank you, Mr Cooper.

5 **MR M. WATSON:** May it please the commission, MARK WATSON; I appear on behalf of the Tasmanian Chamber of Commerce and Industry and with me is **JENNY THOMAS.**

PRESIDENT: Good, thank you, Mr Watson. Okay - Mr Cooper.

MR COOPER: Commissioner, with - Mr President -

10 PRESIDENT: I should add - I should forewarn you this is a potential consolidation.

MR COOPER: Thank you, very much, Mr President. In terms of that then, the AWU would seek to amend our application and we'd seek to amend it in respect to allow a variation to the parental leave clause, specifically Part D, Part-time Work of that clause - subparagraph (m) - Replacement Employees - placitum (iv). Delete roman  
15 numeral five and hereof where appearing in that clause after (a) and add the following words after (a) in brackets: Definition - Continuous Service of this Part. And we seek leave of the commission to amend the application in that respect.

PRESIDENT: Yes. Any objection to that, Mr Watson?

MR WATSON: No, Mr President.

20 PRESIDENT: Okay, well your application is amended.

MR COOPER: Thank you, Mr President. In terms of this application we do have prepared draft orders of this award.

PRESIDENT: AWU.1.

25 MR COOPER: In terms of AWU.1, Mr President, I can advise the commission that this award was last varied on the first full pay period on after the 26th of the seventh, 1995, in the last State Wage Case and this AWU.1 seeks to vary the award now by the third safety net adjustment which is now available given that 12 months has elapsed since the last variation.

30 The draft order has been provided by the TCCI and is agreed. There are some variations to allowances which are contained in this award and they appear on the last page of the award and I think that's the only allowance that's in here that's been varied otherwise the draft order is consistent with the wage fixing principles that arose from T.6284 of 1996 and others, and consistent with the decision of the full bench in  
35 that matter, the Australian Workers' Union commits to the wage fixing principles that fell from that decision and that commitment is consistent with the requirement to allow the third arbitrated safety net adjustment to proceed in that award.

40 We would seek an operative date of - obviously earlier than today but I understand it's not available to us so we'll seek a date being today's date. And I understand one of the unions actually party to this award are absent and I don't know what problems that will present, but obviously we'll deal with that during the course of proceedings, Mr President.

PRESIDENT: Yes. Well, Mr Cooper, just to complete the record, your commitment to the principles specifically includes a commitment to review the award.

MR COOPER: It's inclusive, Mr President, that's correct.

5 PRESIDENT: Very good. In respect to the matter you raised, I have a letter from the union which calls itself the Australian Manufacturing Workers Union which is, as we know it, the AFMEPKIU and it indicates that commitment to the principle as adopted by the commission in matters so listed and it's been - and it's reiterated insofar as a variation of this award is concerned. Has - have parties got a copy of that?

MR WATSON: I haven't, Mr President, no.

10 PRESIDENT: Do you want to sight it?

MR WATSON: But I'm happy just to sight yours.

PRESIDENT: Yes. We'll go off the record for a moment, thanks.

### **OFF THE RECORD**

PRESIDENT: Yes, you - have you sighted that letter, Mr Watson?

15 MR WATSON: I have, Mr President, and I would assume - although perhaps I wouldn't - I shouldn't assume too much - but I would assume from the tone of that letter that that actually means that the - or whatever their name is - the AFMPKI -

PRESIDENT: 'U'.

20 MR WATSON: - 'E-U' - commonly known as the Australian Manufacturing Workers Union, have in fact committed to review the award as per Principle 7.3.2.3.

PRESIDENT: Yes. That's the way I read it.

MR WATSON: Yes.

PRESIDENT: Yes.

MR WATSON: Okay, well on that basis, Mr President, we would say that -

25 PRESIDENT: Which is consistent with the commitment you've given in other awards.

MR WATSON: Yes, yes - that's fine. We would indicate our agreement to this application based on the AFMEPKIU's and the AWU's commitment to vary the award - to review the award - and we would say that it doesn't offend the public interest test of the act and consent to the variation of the award from the first full pay period on after today's date.

30 PRESIDENT: And you've sighted the orders and - order and checked it?

MR WATSON: Yes, we have, Mr President, yes.

35 PRESIDENT: Very good. All right. Well thank you for that. The award will be varied in the manner sought as per AWU.1 and in addition the correction to the parental leave clause as also sighted with effect from the first full pay period to commence on or after today's date.

### **HEARING CONCLUDED.**

