

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.1389 of 1988

IN THE MATTER OF AN APPLICATION
BY THE TASMANIAN CONFEDERATION OF
INDUSTRIES TO VARY THE
TOTALIZATOR AGENCY AWARD

RE: SECOND TIER AGREEMENT

AND

T.1417 of 1988

IN THE MATTER OF A JOINT
APPLICATION BY THE TOTALIZATOR
AGENCY BOARD AND THE FEDERATED
CLERKS' UNION OF AUSTRALIA
(TASMANIAN BRANCH) IN RELATION TO
THE FILING OF AN AGREEMENT

RE: "TAB/FCU SECOND TIER
AGREEMENT"

PRESIDENT

22 JUNE 1988

REASONS FOR DECISION

APPEARANCES:

For the Totalizator Agency Board

- Mr. T. J. Abey
with
Mr. A. Morse, and
Mr. B. Davidson

For the Federated Clerks' Union of Australia -
(Tasmanian Branch)

Mr. D. Fry
with
Mr. C. James

DATE AND PLACE OF HEARING:

22/6/88

Hobart

On 2 June 1988 the Tasmanian Confederation of Industries filed with the Commission an application seeking variation of the Totalizator Agency Award in relation to a 4% second tier agreement. Subsequently, on 20 June, a joint application by the Totalizator Agency Board and the Federated Clerks' Union of Australia (Tasmanian Branch) was received, for the filing of a TAB/FCU Second Tier Agreement.

Both matters came before the Commission on 22 June.

Mr. Abey, representing the the Totalizator Agency Board, informed the Commission that after conferring the parties had reached agreement in relation to restructuring and efficiency, and that the measure of agreement reached was reflected in the joint application lodged by the Board and the Federated Clerks' Union. The award variation, he said, was complementary to the agreement rather than the other way around. Mr. Abey told the Commission that cost offsetting for a 4% adjustment had been attempted and achieved in part. Any discrepancies in actual costings, he said, could be made up by the new disputes settling procedure which was to form part of the agreement.

Mr. Fry informed the Commission that, despite the fact that the Totalizator Agency Board was structured on very modern technological and efficient work practices, genuine attempts had been made to find legitimate savings to offset the cost of implementation of the proposed 4% adjustment.

Although I must express some concern that the approximate costing of the offsets does not appear to meet in toto the cost of the 4%, it appears to me that there has been a genuine attempt made to find all those offsets that were reasonably possible in the circumstances. In this regard I note that some award provisions have been put on the table. Therefore, I consider it would be less than fair if those genuine trade offs were not recognised in a tangible way by ratifying the agreement and varying the award.

The agreement will be approved of with effect from the first full pay period commence on or after 22 June 1988, and shall remain in force for a period of 3 years. In due course the award will be varied to reflect what has been agreed to, insofar as award variation is required.

