

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.2334 of 1990

**IN THE MATTER OF AN
APPLICATION BY THE TRANSPORT
WORKERS' UNION OF AUSTRALIA,
TASMANIAN BRANCH FOR THE
MAKING OF THE TRANSPORT
WORKERS GENERAL AWARD**

COMMISSIONER P A IMLACH

HOBART, 8 August 1990

REASONS FOR PRELIMINARY DECISION

Appearances:

For the Transport Workers' Union of Australia, Tasmanian Branch	- Mr B Hansch
For the Tasmanian Road Transport Industrial Organisation	- Mr J Blackburn
For the Retail Traders Association of Tasmania	- Mr D McDougall
For the Tasmanian Confederation of Industries	- Mr S Clues and Mr K Brotherson

Dates and place of hearing:

1990.
Hobart:
July 25;
August 1.

This is a continuation of an application for a new award made under Section 23 of the Act by the Transport Workers' Union of Australia, Tasmanian Branch (the Union).

The President of the Commission has already declared pursuant to the provisions of section 33(2) of the Act that the Commission may make an award in respect of the occupations of:-

"(a) driver driver's assistant, and loader employed in connection with a motor vehicle used for the transport of goods or materials;

(b) driver of a mobile crane;

(c) driver of a fork lift truck;

occurring in an industry or industries in respect of which other awards of this Commission do not apply."¹

The application was assigned to me for hearing and determination.

I have conducted two hearings since the application was referred to me.

¹ Decision of 5 June 1990

At one hearing the matter of the title of the new award was considered. Mr B Hansch, who appeared for the Union, sought the title specified in the application, namely the "Transport Workers General Award." Mr K Brotherson, who appeared for the Tasmanian Confederation of Industries (the TCI) advised that his organisation did not oppose the title sought by the Union.

At the other hearing, to consider the provisions of the scope clause in the new Award, immediately after appearances were taken, the parties sought and were granted an adjournment into private conference.

When the hearing was reconvened I was informed that agreement had been reached for the scope clause of the new award to be just those words used by the President in his declaration under Section 33(2) of the Act as set out herein.

In making this new award I am required by section 36 of the Act to satisfy myself that it is consistent with the public interest particularly in relation to its economic impact. The making of this new award should not impose any additional cost on the Tasmanian economy since all the employees likely to be covered by it are either presently under the jurisdiction of another of the Commission's awards (which jurisdiction may or may not be

transferred to this new award in the future) or they have been covered up till now by the Carriers' Award by reason of the extension of the operation of that award provided for by regulation 40 of the Industrial Relations Regulations 1984. This new award would take up the extended coverage by regulation of the Carriers Award.

In the context of additional cost, therefore, I believe the making of the award would not be against the public interest. Furthermore, as there has been and is likely only to be one union involved in the area sought to be covered by the Award I believe there would not be any detriment to good industrial relations in Tasmania.

I endorse the two items agreed to date and an order making the new award, in so far as the Title and Scope are concerned, is attached.

It will be up to intending parties to the new award to apply to the Registrar, under Section 65A of the Act, for an interest in the award to be granted.

The new award will commence from the date of this decision.

