



TASMANIA

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, 16 October 2001
Continued from 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 RECOMMENCED 10.32am

DEPUTY PRESIDENT: No alterations to appearances?

MR O'NEILL: No, sir.

MR STRICKLAND: No, sir.

5 DEPUTY PRESIDENT: Any alterations to the application? Mr Strickland, I take it that you're seeking to amend the award in line with your amended application which is in line with the draft forwarded to the commission by e-mail just recently?

MR STRICKLAND: Yes, deputy president, that's correct.

10 DEPUTY PRESIDENT: Yes. Mr O'Neill?

MR O'NEILL: Yes, that's my understanding, sir, thank you.

DEPUTY PRESIDENT: I take it that you're referring me to the summary of changes that are attached to the back of the final draft?

15 MR STRICKLAND: Yes, that's correct. I, in actual fact, had a copy of that summary sheet. I wasn't sure whether everybody had it.

DEPUTY PRESIDENT: So, you're seeking leave to amend your application to vary the award in accordance with the appropriate Wage Fixing Principle and along the lines of that exhibit, I take you are going to tender, are you?

20 MR STRICKLAND: That's correct.

DEPUTY PRESIDENT: Good. Thank you. No objections to the leave being granted?

MR O'NEILL: No objections. That's my understanding, thank you, sir.

25 DEPUTY PRESIDENT: Thank you. Thank you, Mr Strickland?

MR STRICKLAND: If I could tender a copy of the summary of changes sought by the application.

DEPUTY PRESIDENT: **EXHIBIT NUW.1.**

30 MR STRICKLAND: Deputy president, as you can see by the summary of changes the entire award has been reformatted consistent with the approach adopted by the commission in similar awards. It outlines there all of the changes, the renumbering of each clause. Unless you require, I don't intend to go through each and every one of the summary of changes.

35 DEPUTY PRESIDENT: For the sake of the record, I have spent some time perusing this document, so I don't require you to take me to every clause.

MR STRICKLAND: Thank you. We did forward it to the commission in advance so that, hopefully, today was fairly smooth sailing.

40 DEPUTY PRESIDENT: Yes, thank you.

MR STRICKLAND: Given that the parties including the commission, has been afforded the opportunity of the possession of the document for some time now, the union would seek that the award be varied consistent with its application and I would submit to the commission
45 that the changes sought are consistent with the current Wage Fixing Principles and any changes sought is not contrary to the public interest. If the commission pleases.

DEPUTY PRESIDENT: Thank you. Mr O'Neill, have you any submissions to make?

50 MR O'NEILL: Yes, thank you, deputy president. The TCCI concur with the submissions put to you by Mr Strickland this morning. The application is in accordance with the commission's Wage Fixing Principles and does not offend the public interest in any way. The only matter that I would raise is in respect of the operative date and I would
55 suggest that it is from today's date. If it pleases.

DEPUTY PRESIDENT: Today's date or the first full pay period?

MR O'NEILL: The first full pay period, sorry - on or after today's date being the operative date. Thank you.

60 DEPUTY PRESIDENT: Mr Strickland, have you any comment about the operative date?

MR STRICKLAND: We would also seek an operative date from the first pay period on or after today.

DEPUTY PRESIDENT: Thank you. I can indicate to the parties, I am going to hand down a written decision in due course. It will be in
65 favour of the application. As I say, the commission has had time to peruse this and I find that it is satisfies the Wage Fixing Principles.

That now concludes this matter. Thank you.

HEARING CONCLUDED 10.37am