



*Tasmanian Industrial Commission*  
Industrial Relations Act 1984

T No. **9236 of 2000**

**IN THE MATTER OF** an application by  
The Australian Workers' Union,  
Tasmania Branch to vary the  
Silviculture and Afforestation Award

Re: Part I Application and Operation of  
the Award, Part II Employment  
Relationship and Associated Matters,  
Part III Wage Rates and Related Matters,  
Part IV Allowances, Part V Hours of  
Work, Penalty Payments and Overtime,  
Part VI Leave and Holidays with Pay,  
Part VII Consultation and Dispute  
Resolution, Part VIII Occupational  
Health and Safety, Tools and Amenities,  
and Part IX Award Compliance and  
Union Related Matters

DEPUTY PRESIDENT WATLING

HOBART, 11 December 2000  
Continued from 8 November 2000

**TRANSCRIPT OF PROCEEDINGS**

Unedited

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

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**HEARING RECOMMENCED 10.35am**

DEPUTY PRESIDENT: I'll take appearances, please.

**MR R. FLANAGAN:** If it pleases the commission, FLANAGAN R., for the Australian Workers' Union, Tasmania Branch, and I apologise to  
5 the commission and the parties in my delay in appearance this morning.

DEPUTY PRESIDENT: Thank you.

**MR D. DILGER:** If the commission pleases, DILGER D., for the Tasmanian Chamber of Commerce and Industry Limited.

10 DEPUTY PRESIDENT: Thank you. Mr Flanagan?

MR FLANAGAN: Thank you, deputy president. This matter has been listed for hearing this morning with a view to the parties making submission into the terms and conditions of employment to be associated with the Silviculture and Afforestation Award.

15 Mr Deputy President, unfortunately, we're not in a position to proceed this morning with that. Essentially, following the last occasion the matter was on before you, the parties did have further discussions. We reached a consent position and the paperwork, if you like, was varied to reflect that position. We were then contacted by a representative of a  
20 particular employer who identified some aspects which required further attention and having examined those and discussed it between the parties it was agreed indeed that that further attention was appropriate.

25 That meeting occurred last Tuesday. The union is presently adjusting the paperwork to reflect those discussions, which did conclude with an agreed position and we anticipate being in a position to provide that to the employer, either by close of business this afternoon or early tomorrow morning, during business hours that is, deputy president.

What we would seek is that we -

30 DEPUTY PRESIDENT: Mr Dilger wouldn't mind it earlier, I'm sure.

MR FLANAGAN: Just so that the commitments are clear, I thought I should clarify that.

35 What we propose, deputy president, is to provide that documentation both to the TCCI and ourselves this afternoon or early tomorrow and then if there are any further concerns, we can work through those. We would request, if it is at all possible, that the matter be listed for further hearing at a time convenient to yourself later this week.

If I can indicate also, deputy president -

DEPUTY PRESIDENT: You're joking. Later this week?

MR FLANAGAN: No, I'm not.

DEPUTY PRESIDENT: Well, I think you will be.

5 MR FLANAGAN: As I said, it depends on what is convenient to the commission.

DEPUTY PRESIDENT: It certainly won't be this week.

10 MR FLANAGAN: I can indicate, deputy president, that the agreed position is that that award would take effect in terms of the first set of provisions to have application from 1 January next year, so there is some flexibility there. If it pleases the commission.

DEPUTY PRESIDENT: Thank you. Mr Dilger?

15 MR DILGER: Thank you, deputy president. I've got no objection to the facts as stated by Mr Flanagan and I'm content with any further hearing dates set down in the time frame set by commission. If it please.

DEPUTY PRESIDENT: Right. I'll adjourn this matter sine die and I'll list the matter in due course, after considering my diary and my plans leading into Christmas week. It certainly won't be later this week. Thank you.

20 **HEARING ADJOURNED SINE DIE 10.43am**