

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

T. No. 5237 of 1994

**IN THE MATTER OF** an application by the  
National Union of Workers, Tasmanian  
Branch for the making of a new award

re Manufacturing Chemists Award

COMMISSIONER WATLING

HOBART, 30 November 1994

**TRANSCRIPT OF PROCEEDINGS**

Unedited

COMMISSIONER WATLING: I'll take appearances please.

**MR D. STRICKLAND:** If the commission pleases, I appear on behalf of the National Union of Workers, STRICKLAND, D.

COMMISSIONER WATLING: Tasmanian Branch, I hope?

5 MR STRICKLAND: Yes, Mr Commissioner.

COMMISSIONER WATLING: Maybe we should learn to list our right titles. If you can assist me in that, it would be very helpful. You might even assist me in your normal office procedure as well. People shouldn't send out anything, I have to say in passing, unless it's the registered name of the organisation. They should know who they're  
10 working for.

MR STRICKLAND: Yes, Mr Commissioner.

**MR A. GRUBB:** If the commission pleases, GRUBB, A., on behalf of the Australian Municipal, Administrative, Clerical and Services Union.

COMMISSIONER WATLING: Thank you.

15 **MR T.J. EDWARDS:** If it please the commission, EDWARDS, T.J., I appear for the Tasmanian Chamber of Commerce and Industry Inc.

COMMISSIONER WATLING: Good, thank you. The only reason I raise that point is we get applications in here that are not from registered organisations. The alternative is that we send them back because they're not registered here. Now, we try and short  
20 circuit some of this sometimes, but it would assist us immensely if people did announce themselves correctly. A lot of organisations do put the shorthand version in. I don't mind if it's their newsletter or whatever, but when it comes to matters before the commission they should be fairly careful, I would think, otherwise someone will say that that organisation is not registered here and they were the applicant and the  
25 commission made an award and therefore it is overturned on appeal.

Maybe if we start by just getting a report as to pre-hearing discussions and how far have we got along the line, and if we're ready to go. Mr Strickland?

MR STRICKLAND: Thank you, Mr Commissioner. Well, other than the discussions that took place some months ago under your chairmanship that went to the extent of  
30 the creation of - or the proposal to create this award and the retail side of it, there has been no discussions between the parties in terms of the title or scope of the award. So I might suggest that it is appropriate to go into a conference off the record and progress that way. If the commission pleases.

COMMISSIONER WATLING: Right. Mr Grub, have you any view on this?

35 MR GRUBB: We don't have any objection on going into conference, Mr Commissioner.

COMMISSIONER WATLING: Mr Edwards?

MR EDWARDS: Certainly, commissioner, we don't object to the proposal that we go into conference to discuss the making of this award. I think it is fair to say that the  
40 application is the culmination of several years of discussion between the party, rather than just the months, as Mr Strickland has indicated and certainly is part of a total proposal of taking the Chemists Award and trying to bring it up to some sort of

reasonable standard in today's terms. For that reason, we would support the application to go into conference to discuss the application.

COMMISSIONER WATLING: Good. We'll do that then. We'll go off the record, thanks.

**OFF THE RECORD**

5 COMMISSIONER WATLING: Can the record show that we've had some considerable time off the record discussing this issue and I understand the parties have something to report to the commission. Mr Edwards?

10 MR EDWARDS: Thank you, commissioner. Commissioner, as I understand the situation, following the off the record conferences under your chairmanship there is a position of consent between the parties for the making of an award to be titled the Wholesale Pharmaceutical Award. Commissioner, as part of the conference, there was prepared a draft order which I would refer to, rather than going through in detail the words contained within it because the commission does have a copy of it, as do all the parties.

15 COMMISSIONER WATLING: We'll mark this exhibit V.1.

20 MR EDWARDS: Thank you, commissioner. Commissioner, in brief support of the application that's made for the creation of this award, I would refer to proceedings before the commission in respect of the creation of the Retail Pharmacy Award, wherein it was reported that the parties to the now existing Chemists Award, had agreed that there were divergent parts of that award that didn't fit comfortably one with the other. They were effectively retail on the one hand, wholesale on the other, and the third category yet to be dealt with is that dealing with photographic supplies and equipment, which the parties to the Chemists Award are still required to deal with.

25 This is the second step in the process of breaking up the Chemists Award into its various constituent parts, so that each part of the industry previously covered by the Chemists Award will stand alone. In this case it is Wholesale Pharmaceutical section of the Chemists Award which is being sought to be put into a separate award. We have defined the scope of the new award to be in respect of the wholesale pharmaceutical industry and we have provided, with the assistance of the commission, a definition of what the term, wholesale pharmaceutical industry, is. I don't intend to take the  
30 commission to that definition.

COMMISSIONER WATLING: Are you saying it's a tongue twister?

35 MR EDWARDS: Yes, it is. I won't take the commission to the definition because it has been discussed ad nauseam during -

COMMISSIONER WATLING: Yes, I'm very familiar with it.

40 MR EDWARDS: From the point of view of the Tasmanian Chamber of Commerce and Industry, we would be prepared to offer our consent to the making of an award made in the manner shown in Exhibit V.1. We believe it to be very much in the public interest. It is a continuation of the structural efficiency exercise in respect of the Chemists Award which is in turn embraced by the term of the existing wage fixing principles, which were handed down by the commission on 24 December 1993, wherein the parties are enjoined to continue the structural efficiency process and we would submit to the commission that that is exactly what is embraced by this  
45 application. We would further submit that section 36 of the Industrial Relations Act is in no way harmed by the successful granting of the application. We would ask that the

commission make the new award with operative effect on and from the 30 November 1994.

COMMISSIONER WATLING: Good. Thanks, Mr Edwards. Further submissions, Mr Strickland?

5 MR STRICKLAND: Thank you, Mr Commissioner. I would just speak in support of the submissions given by Mr Edwards and would urge the commission to find in favour of the creation of this new award and it is consistent with those submissions given by Mr Edwards. If the commission pleases.

COMMISSIONER WATLING: Right. Mr Grubb?

10 MR GRUBB: Only to confirm, sir, that this is a consent matter and therefore support it.

COMMISSIONER WATLING: Thank you. I can indicate to the parties that a new award will be made in the name of the Wholesale Pharmaceutical Award and I will hand down a written decision in due course. It will be operative on and from today.  
15 The order will be attached to the decision giving effect to the decision and it will be up to the parties now to seek an interest in the award, or be up to any registered organisation who believes they have an interest in the award, to apply for that interest through the registrar.

This matter is now closed.

20 **HEARING CONCLUDED**