

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T Nos 1524/1525 and 1549/1550 of 1988

IN THE MATTER OF applications  
by The Tasmanian Public  
Service Association, the  
Tasmanian Trades and Labor  
Council and The Association of  
Professional Engineers,  
Australia, Tasmanian Branch to  
increase wage rates and  
allowances generally, and  
review the Wage Fixation  
Principles

FULL BENCH

PRESIDENT

DEPUTY PRESIDENT

COMMISSIONER WATLING

HOBART, 9 September 1988

TRANSCRIPT OF PROCEEDINGS

(RESUMPTION)

PRESIDENT:

In our decision of 5 September, we indicated that we would reconvene today for the purpose of taking the required union commitments. Those commitments are a prerequisite to implementation of the 3%.

We have already set out the commitment necessary and the form of words to be included in awards and agreements that are to be varied by individual commissioners. Those variations will occur consequent on this Bench giving its approval in respect of individual commitments by unions.

Where there are perceived problems relating to an award, the Commissioner concerned may, of his own motion, or on application, list that award or agreement for hearing. Any such hearing will be for the purpose of dealing with a matter that may, in the opinion of the Commissioner, or in the opinion of the President, need to be dealt with in open hearing. No such hearing will become the vehicle for a rehearing of the merit of the matter that we have already decided.

Mr Lennon?

MR LENNON:

Thank you, Mr President. I can advise the Commission that just prior to this hearing commencing this morning we did lodge with Mrs Gaye Geer a number of commitments that we have received from trades unions. The wording of those commitments is exactly as required by the Commission at page 28 of your decision of Monday of this week.

The commitments in the terms required by the Commission have been presented on behalf of the following unions:

Actors Equity

The Amalgamated Footwear and Textile Workers' Union

The Amalgamated Metal Workers' Union

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PRESIDENT - LENNON

MR LENNON:

The Amalgamated Society of Carpenters  
and Joiners

The Ambulance Employees' Association

Association of Draughting,  
Supervisory and Technical Employees

The Association of Professional  
Engineers, Australia

The Australasian Meat Industry  
Employees Union

The Australian Building Construction  
Employees' and Builders Labourers'  
Federation

Australian Hairdressers, Wigmakers &  
Hairworkers Employees' Federation

Australian Railways Union

Australian Social Welfare Union

Australian Theatrical and Amusement  
Employees Association

The Australian Timber Workers' Union

The Australian Workers' Union

Bakery Employees' and Salesmens'  
Federation

The Building Workers' Industrial  
Union

Electrical Trades Union of Australia

Federated Clerks Union of Australia

The Federated Furnishing Trade  
Society of Australasia

The Federated Ironworkers'  
Association

Federated Liquor and Allied  
Industries Employees' Union

The Federated Rubber and Allied  
Workers' Union

The Federated Storemen and Packers

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LENNON

MR LENNON:

Union

The Health and Research Employees'  
Association

The Hospital Employees Federation No.  
1 and The Hospital Employees  
Federation No. 2

The Marine and Harbour Trust  
Employees' Association

Merchant Service Guild of Australia

Musicians' Union of Australia

The Operative Painters and  
Decorators' Union

The Operative Plasterers and Plaster  
Workers' Federation

The Plumbers and Gasfitters  
Employees' Union

Police Association of Tasmania

Printing and Kindred Industries Union

The Secondary Colleges Staff  
Association

Shop Distributive and Allied  
Employees' Association

Tasmanian Catholic Education  
Employees' Association

Tasmanian Institute of  
Superintendents of Education

Tasmanian Prison Officers'  
Association

The Tasmanian Public Service  
Association

Tasmanian Teachers Federation

Tasmanian Technical Colleges Staff  
Society

Transport Workers' Union of Australia

United Firefighters Union

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LENNON



MR LENNON:

Unites Sales Representatives and  
Commercial Travellers' Guild of  
Australia

The Vehicle Builders Employees  
Federation of Australia

Australasian Society of Engineers

The Clothing and Allied Trades Union  
of Australia

The Federated Engine Drivers' and  
Firemen's Association

The Federated Miscellaneous Workers  
Union

Tasmanian Salaried Medical  
Practitioners' Society.

Mr President, in terms of ...

PRESIDENT:

Are they ... the last list ... the  
document I have says 'commitments not  
received'.

MR LENNON:

Yes, well, of those on that page, Mr  
President, this morning we have in  
fact handed up: Australasian Society  
of Engineers; The Clothing and  
Allied Trades Union of Australia;  
The Federated Engine Drivers' and  
Firemen's Association; the Federated  
Miscellaneous Workers Union and the  
Tasmanian Salaried Medical  
Practitioners' Society, which means  
in effect those organisations who  
haven't presented their commitment to  
the Commission this morning are: The  
Food Preservers Union; Royal  
Australian Nursing Federation; The  
Tasmanian Registered Teachers'  
Association; and the Heads of  
Tasmanian Government Organisations -  
but that's on the way.

PRESIDENT:

I have a note to the effect that the  
Heads of Tasmanian Government  
Organisations is in the process of  
faxing ...

MR LENNON:

Yes, that's right, we understood that  
to be the case too, Mr President,  
which leaves us a balance of three  
organisations.

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PRESIDENT - LENNON

PRESIDENT: That's the RANF?

MR LENNON: Yes.

PRESIDENT: Food Preservers?

MR LENNON: Yes. And the Tasmanian Registered Teachers' Association in respect of that organisation.

PRESIDENT: Is that a registered ...

MR LENNON: Yes.

PRESIDENT: ... organisation with this Commission?

MR LENNON: We understand they have provisional registration with this Commission.

PRESIDENT: There's provisional registration.

MR LENNON: According to the list that we've received from the Commission. Although we're not sure ... I certainly don't believe they're party to any award. They may, in fact, have an agreement - of that we're not sure.

PRESIDENT: The original signed copies of those commitments will be tendered or submitted to the ... ?

MR LENNON: I think you'll find, Mr President, we've already lodged them.

PRESIDENT: Oh, thank you.

Except for those ... the last ...

MR LENNON: There were three organisations, for one reason or another, we weren't able to catch up with.

PRESIDENT: Yes.

MR LENNON: We did our best. Unfortunately, the secretary of the RANF is in Brisbane at the moment which created a problem for us there.

As well, the secretary of the Food Preservers Union is on leave at the

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PRESIDENT - LENNON

MR LENNON: moment. We were unable to contact him.

PRESIDENT: Does that mean that the RANF is likely to be giving a commitment?

MR LENNON: I certainly haven't heard from them, Mr President, to the effect that they're not prepared to give it.

I understand the HEF will be wanting to make a statement shortly in respect to the public sector hospitals awards. But I ... it's not my understanding, Mr President, that the RANF will not be prepared to give the commitment at all, although they may not be prepared to give a commitment for some awards.

PRESIDENT: Yes.

MR LENNON: But as soon as we're able to advise you of their position, I will do that forthwith.

PRESIDENT: Would that ...

MR LENNON: I apologise for ...

PRESIDENT: Would the ... unless that advice is forthcoming today, Mr Lennon, it would be a matter for the Commissioner concerned.

MR LENNON: Yes. The organisation is aware of that, Mr President.

PRESIDENT: Yes. Yes, thank you, Mr Lennon.

COMMISSIONER WATLING: Mr Lennon, just before you take your seat, can I just ask you a question in relation to those unions that have already lodged individual applications: would you know ... for the 3% and the \$10, would you know whether it's their intention to withdraw those, or are they sort of (how shall I put it) seeking something different to your original case?

MR LENNON: We've not received any request from organisations who have already lodged

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PRESIDENT - COMMISSIONER WATLING -  
LENNON

MR LENNON: applications.

COMMISSIONER WATLING: Yes. Well, just to give an example: the Association of Draughting Supervisory and Technical Employees have made application for 3% and \$10, but I think they're also ... are they part of your commitment?

MR LENNON: Yes.

COMMISSIONER WATLING: Yes. Well, what's the status then of these sort of applications? There's a number of them in. You might like to check those with the various unions. And I would suggest that if they're not going to pursue them they should inform the Commission that they don't wish to pursue them, so we can tidy up this matter.

I understand that some unions, or at least one anyway, and I think a couple of others may have already written to the Commission saying that they want to withdraw because it was part of your case. But you might just check that out.

MR LENNON: I'll undertake to get an early reply to the Commission on that matter.

COMMISSIONER WATLING: Good.

PRESIDENT: Thank you, Mr Lennon. Mr Imlach?

MR IMLACH: Mr President, first of all I'd like to notify a change of appearance. I appear for the Hospital Employees Federation Tasmania No. 2 Branch as well today.

PRESIDENT: Yes. Thank you.

MR IMLACH: Mr President and members of the Bench, our Branch has given the commitment and that applies to all the awards which we are party to. But I do request on behalf of both branches that the rates of pay in the Nurses (Public Hospitals), Nurses (Mental Health Service) and Nurses

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APPEARANCES - PRESIDENT -  
COMMISSIONER WATLING - LENNON -  
IMLACH



MR IMLACH: (Public Service) Awards not be varied for the time being. And that having said that, we do seek the 3% and \$3 to apply as in this decision in the Hospitals Award.

MR .... : \$10.

MR IMLACH: And the \$10.

PRESIDENT: You get \$3 and the \$10? You're not going to seek to reopen this case, I hope, Mr ...

MR IMLACH: You'll appreciate, Mr President and members of the Bench, I am in a precarious position.

If I return to the Hospitals Award, we do seek the application of this decision - 3% and \$10. Those are my instructions, Mr President.

But apart from that, we seek the application of the decision.

PRESIDENT: Yes. Well, Mr Imlach, as indicated earlier this morning, I think matters of that kind will be dealt with by the commissioner concerned. I think our task today is to decide for ourselves whether or not the commitments that have been given satisfy our requirements, and indicate whether those commitments are in fact acceptable. Thereafter individual awards will be dealt with by the commissioners concerned, and issues of the kind that you raise would be better addressed to the commissioner concerned.

MR IMLACH: Yes. I appreciate that, Mr President, but nevertheless I felt we should make our position clear at this hearing.

Could I just, with the Commission's permission, proceed one step further, in that it has been said by another organisation that our Union was making noises prior to this decision that we would not accept it, unless it gave us the right to proceed on

MR IMLACH:

all matters where we felt our members had a legitimate case.

And I want to say that our Union sees this decision as coming within that ambit. As I read the decision, if we have a particular matter for a group of employees that we think is a just case and should be brought forward, we will bring that forward. The decision does allow for it to be considered. Whether it's successful or not will depend upon the merits, as I understand it.

MR IMLACH:

Which is as again, as I understand it, slightly different from the previous situation where once a thing had been considered and other matters arose, nothing could be done about it.

But as I read this decision, if there is a legitimate case, it at least can be brought forward.

And so on that basis we accept this system as it is.

PRESIDENT:

Well, we're not here today to interpret the decision, Mr Imlach. We hear you.

MR IMLACH:

I just want to make it clear for the record because it's most likely going to be said that we are double dealing on the matter. I just want to make it clear, Mr President.

PRESIDENT:

You wouldn't be party to that sort of thing, Mr Imlach, would you?

MR IMLACH:

I trust not.

If the Commission pleases.

PRESIDENT:

Thanks, Mr Imlach.

MR FORSTER:

If you were, which part ... which branch would you do it on?

PRESIDENT:

Doctor Senator?

DR SENATOR:

If the Commission pleases, sir, I was not at the previous hearing and I would wish to appear for the Salaried Medical Practitioners' Society.

PRESIDENT:

Yes. Thank you, Doctor.

MISS BACKHOUSE:

Mr President, I would also like to enter an appearance on behalf of the Tasmanian Teachers Federation, **MAY BACKHOUSE.**

And I would like to make one very

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APPEARANCES - PRESIDENT - IMLACH - FORSTER

MISS BACKHOUSE:

brief statement. I'd like to place on record the fact that in making this commitment, the understanding of the Tasmanian Teachers Federation is that the proposed review does not give carte blanche for changes to the duties and responsibilities of employees under our award, but rather that the intention is that there be genuine negotiation to reach consensus on changes which would be agreeable to all parties.

PRESIDENT:

Thank you, Miss Backhouse.

I think you almost came a draw ... we'll defer to the lady.

MS MONCRIEFF:

Thank you, Mr President. **DIANE MONCRIEFF** for The Federated Engine Drivers. I would like to announce that I appear for my organisation, sir, but also to speak to the point that Commissioner Watling raised or separate applications that have been made.

My Association has made applications for all awards in this jurisdiction for the 3%/\$10.00 to operate from 1 September and thereon 6 months later. I would now formally advise that we shall be withdrawing those applications and totally falling in line with these proceedings.

If it please the Commission.

PRESIDENT:

Thank you, Ms Moncrieff.

Mr Harper.

MR HARPER:

If the Commission pleases. Mr President, I would like to notify a change of appearance. **HARPER A.** appearing on behalf of The Federated Ironworkers' Association.

Mr President, members of the Bench, in relation to the question asked by Commissioner Watling, I would also indicate in the same word as Ms



MR HARPER: Moncrieff, that we also withdraw our application for the variation of the 3% and the \$10.00 to the award which we made the application.

In actual fact, I also put that in writing to yourself, Mr President, and I presented it to you this morning.

PRESIDENT: That has been received. Thank you, Mr Harper.

Now ...

MR ....: It's all right, thank you, Mr President.

PRESIDENT: You give up too easily.

Mr Edwards.

MR EDWARDS: Thank you, Mr President.

Initially a change in appearance for the Tasmanian Confederation of Industries and other organisations for which Mr Abey appeared and additionally this morning I appear for the Electrolytic Zinc Company of Australasia Limited.

Mr President, perhaps a question first. Do I understand from your statement at the beginning of proceedings this morning that where employers wish to call into question the commitments of various organisations, that should be done through application to the Commissioner dealing with each award?

There are a number of questions we would wish to raise about the genuineness of the commitments of some organisations. Do I take your statement to mean that should be done through the Commissioner concerned or can we raise them today?

PRESIDENT: Have you ... well I guess none of the employers have actually sighted the written commitments ...

MR EDWARDS: No.

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APPEARANCES - PRESIDENT - EDWARDS

PRESIDENT:

... that have been handed and in that regard, I suppose, Mr Edwards, you are somewhat at a disadvantage.

Mr Lennon assures us, and we can soon satisfy our own minds in that regard, that those commitments were given in precise terms outlined by the Commission. In those circumstances, would that not satisfy you, Mr Edwards?

MR EDWARDS:

Not of necessity, Mr President. I, like you, was operating on the assumption drawn from Mr Lennon's statement this morning that the commitments given are directly in line with the decision.

The questions we wish to raise were in respect of two separate awards where there are employee organisations with industrial action currently in place, which has been categorised by a member of the Commission as being outside of the Wage Fixation Principles.

In both instances, the Commissioner concerned has given very strong recommendations that those bans and limitations ought be lifted. And in one instance, the Commissioner has in fact said that those bans should be lifted as a precondition to the further processing of the 3% and \$10 National Wage Case increases, and they were the type of issues I wish to address.

The question I'm asking the Bench is whether or not this is the appropriate forum or whether indeed we should contact the Commissioner concerned and ask him to list those matters for hearing on merit as to whether or not the commitment should be acceptable.

PRESIDENT:

Yes. Just bear with me.

MR EDWARDS:

Certainly, Mr President.

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PRESIDENT - EDWARDS

PRESIDENT:

We are generally of the opinion, Mr Edwards, that matters of this kind should be dealt with by the Commissioner concerned before he makes a decision to vary the award on merit.

However, we would be assisted if you were to inform us in just broad terms of the area of your concern, because at this stage we have no idea.

MR EDWARDS:

No, I deliberately left it quite vague.

PRESIDENT:

Well, we don't want these proceedings to be used as a forum for other matters necessarily. But if there is in progress at the moment disputation directly relating to the 3% or claims akin to that, then it would not be inappropriate for you to at least inform this Bench of that situation. But the matter really will be left to the Commissioner concerned to be dealt with on merit.

MR EDWARDS:

Perhaps if I can deal with the matter by foreshadowing, Mr President, that there will be applications made to Commissioner King in respect of two areas currently being dealt with by him.

The first of those is in respect of the Electrolytic Zinc Award, where I am given to understand that there are bans in place by the AMWU the ASE and the FIA.

Those bans are not imposed directly in support of a 3% pay increase, they are bans imposed as part of an ongoing restructuring exercise which is taking place at the Electrolytic Zinc Company and involves the question of some monetary amounts.

Commissioner King said on transcript on 1 September that he endorses the Company's right to insist on bans being lifted before it makes any final moves before this Commission to have the awards varied. And that

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MR EDWARDS:

goes in relation to restructuring just as much as the 3% and the \$10.

Commissioner King in that statement was foreshadowing that it may be appropriate for the Company in that instance to argue that the 3% and \$10 should not be applied to that award because of the bans that had been applied for a long period of time in contravention directly of the recommendation of Commissioner King, in fact I think three separate recommendations. That was the first instance.

The second matter I wish to deal with was in respect of an agreement, and that is with Pioneer Silicon Industries and a number of unions. As I understand the situation the AMWU and, up until this morning, the ETU, had bans imposed at Pioneer Silicon Industries in respect of various matters.

I understand that the ETU ban was lifted as at this morning following a facsimile from myself to that organisation indicating my intention this morning to oppose the 3% and \$10.

I have not had a similar indication from the AMWU who are pursuing various money claims against that company ... which Commissioner King has very strongly recommended that those bans be lifted and directed that the parties confer once the bans have been lifted.

In both instances it is our opinion that the claims are directly contrary to the principles to which the unions have now committed themselves, and the bans should either be lifted forthwith or perhaps we should then foreshadow that we would be making application to Commissioner King to oppose the flow of the 3% and \$10 to those two areas because the claims are directly contrary to the Wage Fixation Principles. If it please the Commission.



PRESIDENT:

Yes, thank you, Mr Edwards. Mr Lennon, to the extent that you are able to assist us in this regard, this Bench, of course, would strongly recommend that all bans and limitations in place at EZ and Pioneer Silicon be lifted to allow the processing of this Commission's decision. But we think in any case that we have covered that eventuality in our opening statement this morning, that where there are problems, either on application or on the Commissioner's own motion, there can be a hearing to determine these things on merit.

MR LENNON:

Just before I respond to Mr Edwards' and your comments, Mr President, I simply want to correct the record so that the Commission is fully aware of the position.

The Transport Workers' Union, in giving their commitment, added a paragraph, and I will read it to you. It says:

"The above commitments are given in the context of the clear need for the State Government to take the appropriate measures to bring down the rate of inflation".

Well, we'd all agree with that .... Apart from that, their commitment is in precise terms as requested by the Commission. So they haven't ... they are doing something we have wanted for a long time, Mr President. They are asking the Government to give a commitment to the system in the same way that we have to.

In respect of the two matters raised by Mr Edwards, and I say first of all with respect to the EZ matter, it is my understanding that the bans and limitations have been in place for some time. And it rather bemuses me that the employers come along here now and try and stop the 3% and the \$10 flowing to that award when no mention was made of this dispute at

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PRESIDENT - LENNON

MR LENNON:

the hearing, none at all. Now, I think that the bird has flown the coop with respect to that dispute, Mr President.

It is my understanding, as you would be aware, that the restructuring process at EZ is taking place as a result of an arguable case you found in an anomalies and inequities case, and that the restructuring taking place is in conformity with the principles.

MR LENNON:

It's my understanding that the bans are in support of claims relating to that specific hearing and therefore a matter which has been continuing for some considerable time.

I would have thought that if the employers had any genuine concern and were genuinely trying to delay the 3% and the \$10 in that award, that they would have raised the matter at the hearing and not left it until this late stage to do it.

I've certainly checked with some of the unions this morning. No indication was given by the employers (this is my understanding) that they intended to proceed with this course of action this morning in respect of EZ.

The first we knew about the matter was 5 or 10 minutes before this hearing started and had we had the opportunity to address the matter previous, Mr President, we may in fact have been able to comply with your request, but in any event it seems to me that it's an unreasonable stance for the employers to be taking, given that they had the opportunity to raise this matter in the original hearings and the dispute has been going on for some considerable time. It's been the subject of a number of hearings before Commissioner King and, Mr President, it's our submission it's best left there and that it shouldn't be used to effect the national wage rise to the EZ Award.

In respect of Pioneer Silicon Cement ... sorry, the PSI Award, I beg your pardon, Mr President, as Mr Edwards has said, when notified, one organisation was notified this morning and they did move quickly to rectify the position and I think

MR LENNON:

again it would be premature for this Bench to be making any decision to not accept the commitment for organisations party to that award until such time as the Commission, properly constituted under a dispute hearing, have had an opportunity to have a look at that dispute.

It may be that the employees are properly justified in taking the action that they are in this case.

Now, there are proper procedures for this Commission to hear such disputes. Perhaps Mr Edwards could advise us whether or not the employers have in fact lodged a dispute hearing. If they haven't, do they intend to do it, or is this, just again, an exercise in futility to try and deny the national wage rise to a few employees in one particular award?

PRESIDENT:

Yes. We don't want to get too deeply into this, but ...

MR EDWARDS:

In response to Mr Lennon's question, Mr President, I would indicate there have been three separate and distinct hearings before Commissioner King in respect of Pioneer Silicon Industries, two of which have resulted in very strong recommendations by the Commissioner that the bans and limitations be lifted, so we most certainly have taken the appropriate steps.

Unfortunately, the organisations concerned have chosen not to take any notice of the recommendations of the Commission. We believe organisations that act in that manner are not entitled to the 3% and \$10, but in recognition of your statement at the beginning of these proceedings this morning, we will take those issues before Commissioner King on our application for the 3% and \$10 to be denied. If it please the Commission.

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PRESIDENT - LENNON - EDWARDS



PRESIDENT:

Yes, thank you.

MR LENNON:

Well, Mr President, we understood that we were coming here today and on the understanding that we gave the commitment and that the commitment was in terms acceptable to the Commission, and the awards of the Commission would be varied for the 3% and the \$10 for all those awards where all the unions party to the awards gave the commitment in terms satisfactory to the Commission.

Is that going to be the case or not, Mr President?

PRESIDENT:

I don't think there's any need to repeat what we've said, Mr Lennon, but we did say that where there are perceived problems relating to an award of this Commission, the Commissioner concerned may, of his own motion or on application, list that award or agreement for hearing.

Now of course you'd appreciate it's very difficult having regard for the number of awards and agreements affected by our decision to have first-hand knowledge of the status of all of those awards and so it's necessary to have that fall-back situation. Inevitably, matters of this kind will arise.

But you're quite right, the purpose of this hearing is to take the commitment. It'll be our intention shortly to adjourn and peruse those commitments and I imagine we will then return in due course and indicate whether we find them acceptable or otherwise.

If we do find them acceptable, the procedure will be as outlined. It would then be a matter for each Commissioner within whose assignment those awards or agreements fall to effect the necessary implication, unless for some reason he is persuaded otherwise.

PRESIDENT: In those circumstances, of course, Mr Lennon, there would be other avenues open to an aggrieved party.

If that is the situation, I think perhaps we should now adjourn and consider. I might add, Mr Lennon, we have now received ... well, I'm not sure that it's satisfactory, the Heads of Tasmanian Government Organisations Association.

MR LENNON: It doesn't look long enough from here, Mr President.

MR ....: Read it out.

PRESIDENT: Well, perhaps you might like to have a look at it, Mr Lennon.

MR EDWARDS: Put it on the public record.

MR VINES: Mr President, I must stand and take some blame here.

The commitment given by the Heads of Tasmanian Government Organisation ... it doesn't even look as long as what I dictated to them actually, but I suggested a few words to the chairman of that organisation on the phone about half an hour ago.

It's clearly their intention, sir, to provide you with the formal commitment today and I'll seek to have that in the adjournment that's about to go on now.

PRESIDENT: They've had plenty of time, Mr Vines.

MR VINES: Yes, I know they have, sir, but like some other unions, they didn't quite get around to doing anything about it until this morning.

MR VINES: But it is clearly their intention to give the necessary commitment as they have indicated there without quite giving a commitment.

PRESIDENT: Well as the person within those assignment that award falls, let me say this, that if they are late they make a late commitment at their peril.

MR VINES: Yes, sir.

MR LENNON: Mr President, we will undertake to address this matter urgently when you adjourn.

PRESIDENT: Yes, well we will now adjourn to consider those commitments.

...

PRESIDENT: Having regard for the statement by the Secretary of the Tasmanian Trades and Labor Council on behalf of the unions specified in the document tendered today, together with the written commitments drawn in terms specified by the Bench in its 5 September decision, we are satisfied that, prima facie, the relevant awards to which those organisations are party should now be varied to give effect to our decision.

As to the genuineness of an individual employee organisation's commitment, we say that that question may need to be tested in particular circumstances where it may be alleged that conduct inconsistent with the current principles is being pursued.

We would add, however, that in those circumstances it would be a matter for consideration by the Commissioner concerned.

These proceedings are now concluded.

HEARING CONCLUDED