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**TRANSCRIPT OF PROCEEDINGS**

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O/N 0608

**TASMANIAN INDUSTRIAL COMMISSION**

**DEPUTY PRESIDENT P.C. SHELLEY**

**T No 11000 of 2003**

**DRAUGHTING AND TECHNICAL OFFICERS  
(PRIVATE INDUSTRY) AWARD**

**Application pursuant to the provisions of  
section 23(2)(b) of the Industrial Relations Act 1984  
by the Automotive, Food, Metals, Engineering,  
Printing and Kindred Industries Union to vary  
the above award re title, scope and definitions**

**HOBART**

**4.00 PM, WEDNESDAY, 23 JUNE 2004**

**Continued from 16.6.04**

**This transcript was prepared from tapes recorded  
by the Tasmanian Industrial Commission**

PN181

THE DEPUTY PRESIDENT: I note that the appearances are the same as on 16 June. I also note that there is another document sitting before me, so it is just a new draft. Okay. If I mark this with today's date, because I had a draft dated the 16th of the sixth. If I mark this one as draft 23rd of the sixth '04. Okay. Now, the parties were to go away and have a little chat over a few finer points, shall we say, and come back today. So who is going to - Mr Baker?

PN182

MR BAKER: Thank you, Commissioner. Yes, look the document - we have had a further chit-chat about a couple of things, and I can report that the document that you have before you is representative of those matters which I brought to - or myself and Mr Rollins brought to the attention of the Commission the last time around, and we have made those slight corrections. In addition to that, at the request of Mr Rollins in respect of the occupational superannuation clause, we have re-inserted those employers to whom the Commission had previously granted an exemption from the nominated compliant fund. So we have added those back in again.

PN183

THE DEPUTY PRESIDENT: Is that not going to be redundant fairly soon anyway, because there is now going to be choice? Recent changes - well, I don't know if they are through yet - - -

PN184

MR BAKER: The applicants - - -

PN185

THE DEPUTY PRESIDENT: - - - but it is now actually through both houses of Parliament federally that the industry fund becomes the default fund, but people have choice anyway. Default fund under an award or an agreement.

PN186

MR BAKER: The advocates before you today discussed that issue, and we decided that we would proceed in the manner that we are, if you like, aware of as it stands today.

PN187

THE DEPUTY PRESIDENT: Belts and braces approach?

PN188

MR BAKER: Yes. Now, it may well be that this Commission will be required to meet and consider the phrasing which will go into awards into the future, and obviously at that stage this award, as indeed many other awards, the Commission may well in fact be varied consistent with the approach of the legislation. So that is my response to the issue.

PN189

THE DEPUTY PRESIDENT: Okay. So that is back in.

PN190

MR BAKER: Yes. Now, the only two changes which Mr Rollins has picked up that perhaps we need to sort of make a slight change to is at page 30 of the document that you have before you. There should be a slight numbering change. Where it says under J, "Requirement to work reasonable overtime subject to clause," and that should read - - -

PN191

THE DEPUTY PRESIDENT: Page 30, yes.

PN192

MR BAKER: Page 30.

PN193

THE DEPUTY PRESIDENT: Yes.

PN194

MR BAKER: Under J, "Requirement to work reasonable overtime," and then it says, "Subject to clause L." That should be "K".

PN195

THE DEPUTY PRESIDENT: Okay.

PN196

MR BAKER: And then obviously K, Time off in Lieu, should be renumbered "L". And the only other change that I have is under Annual Salary at page 17. And even though I changed the document to read, "Part VI", that is the last line under the proviso, before the, "Provide further," Part VI, Leave and Holidays with Pay, it should read Part V, Hours of Work, Shift Work and Overtime, and clause 2, Holidays and Sunday Work. So that needs to be just rephrased.

PN197

THE DEPUTY PRESIDENT: Are you going to provide us with clean copies of the relevant pages?

PN198

MR BAKER: Yes, Deputy President, that will be done, so long as our respective computers continue to talk to each other.

PN199

THE DEPUTY PRESIDENT: Yes, I understand there have been some difficulties.

PN200

MR BAKER: They were the only matters that - - -

PN201

THE DEPUTY PRESIDENT: Yes. I mean, maybe Mr Rollins could do it. Maybe his computer will talk to Ms Harmsen's.

PN202

MR ROLLINS: We can only hope.

PN203

MR BAKER: Well, in that case I shall send it to the TCCI, who in turn I am sure will undertake to send it on.

PN204

THE DEPUTY PRESIDENT: Right.

PN205

MR ROLLINS: Yes, we will.

PN206

MR BAKER: And they were the only matters that I have to bring back to the Commission.

PN207

THE DEPUTY PRESIDENT: Okay. So we are simply going to put the contract of employment with the stand-in clause in as it is, and not address that issue at this stage?

PN208

MR BAKER: I hand that over to Mr Rollins. I mean, I must admit I have forgotten to ask in relation to that matter.

PN209

THE DEPUTY PRESIDENT: Mr Rollins?

PN210

MR ROLLINS: Thank you, Deputy President. To just confirm on the draft copy that you have before you that we have looked at that draft copy and made the appropriate changes, and we are happy with those. On the contract of employment clause we have briefly considered it, or we have considered it in terms of the issue of the breakdown in machinery or stoppage of work, and our position would be that, to leave it in under this process, but if there was a view that it should come out we would certainly go through a process of talking to our members and canvassing them in terms of usage and that sort of thing. But as part of this application, or as part of the award review process, as at today our position is to leave it as is for the time being.

PN211

THE DEPUTY PRESIDENT: Yes. It may well be that this is - the whole question of whether it can be there in any award may well be tested, but, as we thought before, this probably isn't the award to be doing it under. The changes are all by consent. That is correct?

PN212

MR BAKER: Yes, Deputy President.

PN213

MR ROLLINS: Yes.

PN214

THE DEPUTY PRESIDENT: Right. So are you asking that the award be varied as per this draft, the 23rd of the sixth of 2004, subject to those amendments on page 30 and page 17?

PN215

MR BAKER: That is correct, Deputy President.

PN216

THE DEPUTY PRESIDENT: Okay. Very good. Well, and that is the case, Mr Rollins, that you are also submitting that it - - -

PN217

MR ROLLINS: Yes, thank you, Deputy President. Yes, we consent to that draft, the draft that you have before you today, with those changes made.

PN218

THE DEPUTY PRESIDENT: Thank you. I therefore indicate to the parties that the award will be varied in the manner sought, with an operative date of - now, there is no wage outcomes or anything that relate to this, so we will make it an operative date of the date of issue of the order. And a decision to that effect and the appropriate order will be issued in due course. The matter is adjourned.

**ADJOURNED INDEFINITELY**

**[4.15pm]**