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TRANSCRIPT OF PROCEEDINGS

O/N 9219

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT R.J. WATLING

T No 10726 of 2003

INDEPENDENT SCHOOLS (TEACHERS) TASMANIA AWARD

**Application pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the Tasmanian Independent Schools Teachers
Association to vary the above award re Part VII,
Clause 4 - due process**

HOBART

10.30 AM, TUESDAY, 4 MARCH 2003

PN1

MR R. MECKLENBURGH: I appear on behalf of the applicant.

PN2

MS J. THOMAS: I appear for the Tasmanian Chamber of Commerce and Industry Limited.

PN3

THE DEPUTY PRESIDENT: This looks a fairly straightforward matter, Mr Mecklenburgh, is it?

PN4

MR MECKLENBURGH: Mr Deputy President, I certainly hope so. Can I formally record an apology, however, just so that I feel my one hour trip is totally worthwhile. I didn't notify the TCCI about this matter because I incorrectly assumed, simply by observation and practice that AIST was the other party. I did ring them and they said they would have to have a board meeting to consider it and I heard nothing back and when I eventually received the notice of hearing it dawned on me of course that they weren't even on the schedule so I apologise formally to the TCCI for not notifying them.

PN5

It is not something I practise in the normal course of events, that is avoiding advising the other side. I genuinely thought I had done. However, having done that, let us get to the matter. The clause currently reads so that where the employer is dissatisfied with the performance/conduct of an employee, the employer shall be entitled to procedural fairness and the employer shall comply with the International Labour Conference Convention 158, convention concerning termination of employment at the initiative of the employer.

PN6

It is our submission that the first reference to the employer, namely "The employer shall be entitled to procedural fairness" should in fact read "The employee shall be entitled to procedural fairness" and in our submission we ask you, sir, to amend the award accordingly to reflect that. If the Commission pleases.

PN7

MS THOMAS: We have no objection to the amendment of the award in the terms sought.

PN8

THE DEPUTY PRESIDENT: That is good.

PN9

MS THOMAS: Operative I guess from today's date, if it pleases the Commission.

PN10

MR MECKLENBURGH: Well, I can assure the Commission and indeed the TCCI I have nothing up my sleeve and nothing precipitated this other than a casual reading of the award so I have no objection to it operating from today's date.

PN11

THE DEPUTY PRESIDENT: No, it looks like a typo somewhere in the system and I just indicate to you now that I will vary the award in the manner sought and it will be operative from today. Thank you very much for your attendance. The matter is now concluded.

ADJOURNED INDEFINITELY

[10.35am]