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TRANSCRIPT OF PROCEEDINGS

O/N 0226

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER P.C. SHELLEY

**T Nos 11346, 11347, 11348,
11350 and 11351 of 2004**

BUTTER AND CHEESEMAKERS AWARD

PRODUCE AWARD

RUBBER TRADES AWARD

WHOLESALE PHARMACEUTICAL AWARD

WHOLESALE TRADES AWARD

**Applications pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the National Union of Workers (Central Branch)
to vary the above awards to insert new clauses re
carer's leave at Part VI and requirement to work
reasonable overtime at Part V, clause 8**

HOBART

9.30 AM, WEDNESDAY, 17 MARCH 2004

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

HEARING COMMENCED

[9.40am]

PN1

MR P. RICHARDSON: I appear on behalf of the NUW in all five matters.

PN2

MR R. FLANAGAN: I appear on behalf of the Australian Workers Union in matter number T11346, T11347 and T11348.

PN3

MR P. GOURLAY: I appear on behalf of the Tasmanian Chamber of Commerce and Industry in all five matters.

PN4

THE COMMISSIONER: Thank you. Mr Richardson?

PN5

MR RICHARDSON: Thank you, Commissioner. Commissioner, each of these applications seeks to vary the respective award to provide for a new provision relating to the working of reasonable overtime. Attached to the applications were particulars of the variations sought and in particular the variation sought is consistent, in our submission, with the model clause approved by the Full Bench in its decision of 10 July 2003. And we would seek variation to each of the awards and rely upon the observations of the Full Bench in granting that clause. And we would seek that the variation in respect of reasonable overtime take effect from the first pay period on or after today's date.

PN6

In respect of two of the applications, namely 11346 of 2004 and 11348 of 2004 the applications also seek to vary those awards, namely the Butter and Cheesemakers and Rubber Trades Award to give effect to a provision relating to carer's leave.

PN7

THE COMMISSIONER: Yes, and I suppose better late than never.

PN8

MR RICHARDSON: Yes. I will trust the Commission will appreciate the union has commenced scouring through those awards to which it is either respondent or has perhaps traditionally assumed the primary carriage of and these applications along with another matter that has yet to be listed reflect a desire of the union to ensure the relevant and available provisions are included in all such awards of this Commission.

PN9

In respect of the carer's leave provision again particulars of the variation sought were attached to the applications. However it has been pointed out to the union and the union readily accepts that the variations as contained in the application are deficient in that they fail to make reference to non-permanent, that is casual and part time employees. And with the leave of the Commission the union would seek to provide fresh variations within say 24 hours to incorporate

provisions relating to part time employees and as has been understood and agreed between the union and the TCCI, those provisions would be those that appear in the Clerical and Administrative Employees Award of this Commission.

PN10

Beyond that we say that the application in respect of carer's leave and the variations as amended are consistent with the Full Bench decision of 23 December 1996. And again we would seek that the award be varied in respect of carer's leave with effect from the first full pay period on or after today's date. If the Commission pleases.

PN11

THE COMMISSIONER: Thank you. Mr Flanagan?

PN12

MR FLANAGAN: Thank you, Commissioner. Commissioner, the AWU wholly and fully supports the submissions of Mr Richardson and seeks a variation as outlined by Mr Richardson for the first full pay period on or after today's date.

PN13

THE COMMISSIONER: Thank you. Mr Gourlay?

PN14

MR GOURLAY: Thank you, Commissioner. There is no objection from the Chamber to the applications and the applications as submitted are supported.

PN15

THE COMMISSIONER: Thank you. All right, given that the applications are by consent and reflect model clauses adopted already in the Commission, I indicate that the awards will be varied in the manner sought with an operative date of the first full pay period on or after today's date subject to receipt of the variations in respect of part time and casual workers in the carer's leave clauses which I expect will be received very soon. So the decisions won't issue until after those are received, but the operative date will be today's date. That concludes the proceedings. Thank you.

ADJOURNED INDEFINITELY

[9.50am]