



Tasmanian Industrial Commission

Industrial Relations Act 1984

T No. 9280 of 2000

IN THE MATTER OF an application by
the Automotive, Food, Metals,
Engineering, Printing and Kindred
Industries Union to vary the Automotive
Industries Award

Re: the inclusion of a new clause -
Carer's Leave

DEPUTY PRESIDENT WATLING

HOBART, 7 December 2000

TRANSCRIPT OF PROCEEDINGS

Unedited

(WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY)
(ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS)

HEARING COMMENCED 10.35am

DEPUTY PRESIDENT: I'll take appearances in this matter, please.

MR P. BAKER: Sir, I appear on behalf of the applicant organisation, P. BAKER.

5 DEPUTY PRESIDENT: Good. Thank you.

MR M. WATSON: May it please the commission, MARK WATSON. I appear on behalf of the Tasmanian Chamber of Commerce and Industry.

DEPUTY PRESIDENT: Good Thank you. Mr Baker?

10 MR BAKER: Thank you, sir. Sir, I have handed to your associate a draft order in respect of the proposal to insert a new Clause 11 - Carer's Leave into the award -

DEPUTY PRESIDENT: **EXHIBIT B.1.**

15 MR BAKER: I've also made available a copy of the order to Mr Watson of the TCCI.

DEPUTY PRESIDENT: I notice the draft order says, new clause 11 and renumber clauses so and so.

MR BAKER: Yes.

20 DEPUTY PRESIDENT: Does that affect any cross-referencing within clauses, if all those clauses are to be renumbered?

MR BAKER: That is a valid point, sir. I took particular care to ensure that the clause numbers and the carer's leave were accurate.

DEPUTY PRESIDENT: If we start moving all the clauses around in the award we might end up with a -

25 MR BAKER: With a jumble.

DEPUTY PRESIDENT: Yes. It may or may not be a problem, I don't know. The only reason I'm asking, I haven't done the exercise and I wondered whether or not you have done the exercise.

MR BAKER: No, sir. It's a most valid question.

30 MR WATSON: Mr Deputy President, it appears that in the award where it makes a cross reference to another clause it says, for example, Clause 32 - Sick Leave, so I think it would be quite easy to identify if there was a change in the clause number because it actually has the name of the clause as well. Consequential renumbering would translate into any further references to that particular clause.

DEPUTY PRESIDENT: Is the draft order enabling the commission to do that work as well, is it?

MR BAKER: Sir, I'll undertake at the conclusion of the hearing to verify -

5 DEPUTY PRESIDENT: You might verify with my associate any cross-referencing.

MR BAKER: Yes, and I'll do that at the conclusion of the hearing.

DEPUTY PRESIDENT: Right. Thank you.

10 MR BAKER: Sir, the application before you today is consistent with the full bench decision of this commission in matters T6296 and T6441 of 1996 in a decision of this commission dated 23 December 1996 in a full bench consisting of President Westwood, Deputy President Johnson and Commissioner Imlach.

15 The decision, as you would recall, sir, was a consent application for the inclusion of carer's leave into the awards of this commission.

20 Sir, consistent with that decision and consistent with the Wage Fixing Principles and consistent with section 36, the public interest test of the Act, we would recommend to the commission that the application as presented to the commission be endorsed to become part of the Automotive Industries Award.

Sir, subject, to any other comments or questions from yourself -

DEPUTY PRESIDENT: What about the operative date?

MR BAKER: The operative date would be the first full pay period on or after today.

25 DEPUTY PRESIDENT: Right.

MR BAKER: I should just add in conclusion, that the clause that forms part of the draft - that is the draft, I should say, is reflective of the model clause as contained within the decision.

DEPUTY PRESIDENT: Mr Watson?

30 MR WATSON: Mr Deputy President, this is a consent matter. The order that's been provided in advance to us by Mr Baker has been checked and it is in accordance with the model clause attached to that full bench decision in matters 6296 and 6441 of 1996. The variation to the award, subject to the cross-referencing that we talked about a minute ago which is only cosmetic to a certain extent but nevertheless needs to be right, then the order will be acceptable to us.

It is a consent matter from the first full pay period on or after today's date. The application doesn't offend the commission's Wage Fixing Principles nor the public interest and we would ask that the commission approve the application. If it pleases.

- 5 DEPUTY PRESIDENT: Thank you. I can indicate that I'll hand down a written decision in due course. It will be in favour of the application. The award will be amended along the lines of exhibit B.1. You understand we'll have to make the necessary amendments throughout the award which may necessitate a larger order because we'll have to move everything down the line.
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Thank you for your participation.

HEARING CONCLUDED 10.45am