

HEARING COMMENCED 4.10pm

COMMISSIONER: I'll take appearances please.

MR R. FLANAGAN: If it pleases the commission, FLANAGAN R., for the Australian Workers' Union, Tasmania Branch.

5 COMMISSIONER: Thank you.

MR P. MAZENGARB: Good afternoon, commissioner. If it pleases the commission, PAUL MAZENGARB representing the Tasmanian Chamber of Commerce and Industry Limited.

COMMISSIONER: Thank you, Mr Mazengarb. Mr Flanagan?

10 MR FLANAGAN: Thank you, commissioner. Commissioner, this application seeks to vary the Shellfish Industry Award in accordance with the principle 16.1 of the State Wage Case Wage Fixing Principles of 1999, consistent with correspondence forwarded to the award parties on 5 February 1998 by the president.

15 The focus of the parties in conducting the review of this award has been on adopting a new format and renumbering the award clauses and to insert certain model clauses into the award. In particular the parties have deleted from the existing award references to structured on-the-job training, structured off-the-job training, trainees, 20 traineeships, training agreement, career start traineeships, career start trainee. They are all obsolete provisions and consistent with the award review process, they have been deleted.

In addition, the title of clause 5 in Part I of the schedule attached to the application is now identified as Award Interest rather than Parties and 25 Persons Bound and the parties have adopted the model clause proposed by the president, that being the Meat Retailing Industry Award provision.

In addition to that, commissioner, the new award introduces an employment categories clause in Part II, clause 2, and also introduces 30 a classification descriptors provision in Part III, clause 2.

The intention of the parties has not been to alter the obligations on the employer and employee but to reformat and reorder the clauses consistent with the award review process.

35 If the commission goes to Appendix 1 of the schedule attached to the application, you will see that Appendix 1 under the heading Previous Award Clause identifies the current number and name of the clauses in the award and corresponding to that under the heading New Award are the changes which are intended by the parties through this process including, as I've indicated, the deletion of the traineeship provisions, 40 and the deletion of preference of employment which was previously

previously clause 24.

5 It is the submission of the parties, commissioner, that the application is consistent with principle 16.1, consistent with the president's correspondence of February 1998 and does not offend the public interest and in those circumstances the parties seek the approval of the schedule to the application. If it pleases the commission.

COMMISSIONER: Thank you. Mr Mazengarb?

10 MR MAZENGARB: Yes, thank you, commissioner. As indicated by my colleague from the AWU, the TCCI's understanding is that this is merely a formatting process. We've noted the deletions and we've noted the suggested changes as outlined in Appendix 1. We understand that this is in accordance with the direction of the president back in February 1998 - or his suggestion at least.

15 I must say and put on record, commissioner, that I haven't had an opportunity to examine this in any detail primarily because it was only given to me in the last half hour because of other circumstances beyond our control in our office, but taking it on face value and taking on the information provided to you this afternoon by my colleague and in accordance with Appendix 1, we certainly have no disagreement with
20 the request of the AWU. Thank you, commissioner.

COMMISSIONER: Thank you, Mr Mazengarb. You will have plenty of opportunity to examine it in some detail because it's also the commission's intention to do that. Once that has happened then a decision and an order will be issued with an operative date from the
25 date of the order.

So that matter is now adjourned.

HEARING ADJOURNED 4.20pm