

HEARING COMMENCED 10.40am

COMMISSIONER: I'll take appearances.

MS P. SHELLEY: If the commission pleases, I appear on behalf of the Australian Liquor, Hospitality and Miscellaneous Workers Union, Tasmanian Branch and my name is PAULINE SHELLEY.

MR R. BROWN: If the commission pleases, BROWN R., appearing for the Tasmanian Chamber of Commerce and Industry Limited and also on the advice of Mr Doug Crossin of the Registered Clubs Association Incorporated, representing his interests in the Licensed Clubs Award matter.

MS SHELLEY: Excuse me, I also omitted to mention that I have an authority here from the Australian Municipal, Administrative, Clerical and Services Union to appear on their behalf in the matters of the Aerated Waters Award, the Restaurant Keepers Award and the Shipping Award.

COMMISSIONER: Thank you. Good. A bit of a rationalisation there, Ms Shelley.

MS SHELLEY: Oh, just a bit of cooperation.

COMMISSIONER: Right, now who is talking?

MS SHELLEY: This is an application to vary a number of awards pursuant to section 23 of the Act in order to give effect to the full bench decision of T6441 of 1996 relating to the flow-on of the Australian Industrial Relations Commission Test Case decisions regarding family leave and personal and carers' leave. It's basically an adoption of the consent model carers' leave clauses and facilitative clauses with some agreed variations in respect of part-time workers, and similar variations have actually already been approved by this commission in respect of a number of other awards.

We would ask that subject to correction of any errors or omissions that the commission orders that the awards be varied in the manner set out in the draft order with an operative date of the first full pay period on or after today's date.

And we submit that the orders sought don't cause any difficulties in respect of public interest or of the wage fixing principles.

There are some small corrections in terms of clause numbers that I can take the commission to at this stage if that's appropriate.

COMMISSIONER: Yes. Thanks, Ms Shelley. We'll just go off the record for a minute.

OFF RECORD 10.43am

ON RECORD 10.44am

COMMISSIONER: Yes, thanks, Ms Shelley. The commission has discussed the matter of small variations to the applications as a result of changes or corrections in clause numbers and cross-references and so on and the commission will amend any errors and omissions that appear in the applications and there will be a final draft sent to the parties before an order is issued. Is that acceptable, Ms Shelley?

MS SHELLEY: Yes, that's perfectly acceptable.

COMMISSIONER: Thank you. Mr Brown?

MR BROWN: Yes, commissioner, that's acceptable.

COMMISSIONER: Right, now is there anything else, Ms Shelley?

MS SHELLEY: No, I think that completes my submissions, Mr Commissioner.

COMMISSIONER: Thank you.

MR BROWN: Thank you, commissioner. Certainly, I'd like to endorse the submissions of Ms Shelley in respect to the matters that we have before us in respect to the carers' leave inclusions. We would submit that they are consistent with the test case decision. They're certainly not contrary to any public interest test and are also consistent - not inconsistent with the wage fixing principles, so we would like to further endorse the submissions in respect to the fact that they be effective from the first full pay period on or after today's hearing. If the commission pleases.

COMMISSIONER: Thanks, Mr Brown. Well let's hope the mechanics of proceeding is as simple as today's hearing. I thank the parties for that.

The matter is closed.

HEARING CONCLUDED 10.45am