

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

T Nos 4061 and 4066 of 1992

**IN THE MATTER OF** an application by  
the Textile, Clothing and Footwear  
Union of Australia, Tasmanian  
Branch to vary the Textile Award

re change of name due to  
amalgamation; determination of  
interest

COMMISSIONER GOZZI

HOBART, 4 November 1992

**TRANSCRIPT OF PROCEEDINGS**

Unedited

COMMISSIONER GOZZI: Could I have appearances in both matters please?

**MR D. CAPSTICK:** CAPSTICK, DESMOND - Textile, Clothing and Footwear Union.

COMMISSIONER GOZZI: Thank you, Mr Capstick. Mr Capstick, I intend to join both of those applications; that is 4066 and 4061 for hearing purposes. Now, to get the - 4066 is determination of interest and 4061 is the name change in parties and persons bound. I'm not sure whether you're totally familiar with the procedure, Mr Capstick, but -

MR CAPSTICK: Well I'm not really, sir. I'm living on your .... good grace.

COMMISSIONER GOZZI: Yes, okay. Well look, under section 65A of the act, you've made application now to the Registrar to have a hearing for determination of interest. Now I'm required under that section to have regard for the provisions of section 63(10)(c) of the act and that requires you to satisfy me that the Textile, Clothing and Footwear Union of Australia, Tasmanian branch, has members in the industry to which the award applies. Have you - can you demonstrate that you've got members?

MR CAPSTICK: That's a bit difficult. We do have members. We have two - in Fitzgeralds we've got - we're talking textiles of course -

COMMISSIONER GOZZI: Yes, textiles at the moment.

MR CAPSTICK: - at this point in time? Yes. The footwear, we are - we're seeking membership - we don't actually have membership in the - most of our footwear members come under the federal award.

COMMISSIONER GOZZI: Yes.

MR CAPSTICK: But we have been seeking -

COMMISSIONER GOZZI: Well, we'll stick with textile at the moment.

MR CAPSTICK: Pardon?

COMMISSIONER GOZZI: We'll stick with textile at the moment.

MR CAPSTICK: Just with textiles. Yes, we have some very small numbers, unfortunately, under the state award. I think it's two in Fitzgeralds I think the last time I went to see them - and probably a six/eight weeks, since.

COMMISSIONER GOZZI: Right, okay. Does - the membership, is that consistent with the rules of the new organisation?

MR CAPSTICK: Well - well of course, yes, sir. I must apologise to the commission too, at the last hearing I tended to mislead the commission, certainly inadvertently, that we had done the necessary paperwork. I assumed, having got the certificate of registration changed, and you did ask me the question and I said, yes, sir, and I was wrong.

COMMISSIONER GOZZI: Yes, well that's why we had to, sort of, embark upon the process this morning of getting determination of interest out of the way first, because we can't really move to effect the name change in the parties and persons bound clause -

MR CAPSTICK: I see.

COMMISSIONER GOZZI: - till that interest is determined. And yes, I took it last time that that part of the exercise had been completed, but obviously it hadn't. All right. The third criteria, Mr Capstick, relates to - can you satisfy me that by giving the new organisation interest in the award that it won't affect - impact adversely on the orderly conduct of industrial relations in Tasmania?

MR CAPSTICK: Absolutely no - no interest in - in having any disorderly conduct of any description, sir.

COMMISSIONER GOZZI: Well, in that circumstance, interest is granted to the new organisation ie. the Textile, Clothing and Footwear Union of Australia, Tasmanian branch in the Textile Award. We'll now deal with the name change due to the amalgamation.

MR CAPSTICK: The name change is due to the amalgamation of the Textile - Footwear and Textile Workers Union and the Clothing Trade - the Clothing and Allied Trade Workers Union and that was effective as of July 1 this year. The application was made to this commission - to the full bench of commission on behalf of the clothing trades by Mr Kerry O'Brien to seek deregistration or cancellation of registration of the Clothing and Allied Trade Union of Victoria. I have copies of this if you wish to - a copy of the industrial relations from Mr James.

COMMISSIONER GOZZI: Yes, thank you. We'll mark that exhibit C.1. Right, thank you. Well, look, in the circumstances, the name change will be effected in the award. We now move to the other matter.

HEARING CONCLUDED