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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s.23 application for award or award variation

Automotive, Food, Metals and Engineering Union
(T.4985 of 1994)

FISH, AQUACULTURE AND MARINE PRODUCTS AWARD

COMMISSIONER R J WATLING

HOBART, 6 April 1994

Award variation - Parties and Persons Bound - name change from Automotive, Metals & Engineering Union to Automotive, Food, Metals & Engineering Union - operative 28 March 1994

ORDER BY CONSENT -

No. 2 of 1994

AMEND THE **FISH, AQUACULTURE AND MARINE PRODUCTS AWARD** IN THE FOLLOWING MANNER:

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1. Delete Clause 6 - Parties and Persons Bound and insert in lieu thereof the following:

"6. PARTIES AND PERSONS BOUND

Unless otherwise specified, this award shall have application to and be binding upon:

- (a) all employers (whether members of a registered organisation or not) who are engaged in the industry specified in Clause 2, Scope;
- (b) all employees (whether members of a registered organisation or not) for whom classifications appear in this award and who are engaged in the industry specified in Clause 2 - Scope;
- (c) the following organisation of employees in respect of whom award interest has been determined:
 - (i) the Automotive, Food, Metals and Engineering Union and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;
 - (ii) The AWU-FIME Amalgamated Union, Tasmania Branch and the officers of that organisation and their members employed in the industry specified in Clause 2 - Scope;
- (d) the following organisation of employers in respect of whom award interest has been determined:

the Tasmanian Chamber of Commerce and Industry Limited."

2. Delete Clause 27 - Preference to Unionists and insert in lieu thereof the following:

"27. PREFERENCE TO UNIONISTS

- (a) Preference of employment in respect to classifications pertaining to Division A of this award subject to subclause (b), (c) and (d) and (e) of this clause shall be given equally to persons who are adequately experienced and otherwise competent and who are either:
 - (i) members of The AWU-FIME Amalgamated Union, Tasmania Branch or members of the Automotive, Food, Metals and Engineering Union; or
 - (ii) persons who are prepared at the point of engagement to give an undertaking that they will within 14 days make application for membership of The AWU-FIME Amalgamated Union, Tasmania Branch or the Automotive, Food, Metals and Engineering Union.

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- (b) If more than one person described in subclause (a) (i) and (ii) of this clause make application for employment, then the employer shall have absolute discretion to select any one or more of such persons.
- (c) Owners of businesses, their spouses or children shall not be subject to this clause.
- (d) Conscientious objectors shall not be subject to the provisions of this clause.
- (e) In respect of subclause (a) (i) and (ii), when the employer's business involves the farming of fish, aquaculture and/or marine products as well as the processing of the same, the AWU-FIME Amalgamated Union, Tasmania Branch shall have coverage of all employees within the employer's enterprise to the exclusion of all other unions."

3. Delete Clause 30 - Right of Entry and insert in lieu thereof the following:

"30. RIGHT OF ENTRY

Right of entry for a duly accredited representative of The AWU-FIME Amalgamated Union, Tasmania Branch or the Automotive, Food, Metals and Engineering Union shall be in accordance with the provisions of section 77 of the Industrial Relations Act 1984."

OPERATIVE DATE:

The operative date for the foregoing amendments shall be on and from 28 March 1994.

R J Watling
COMMISSIONER

6 April 1994