



Tasmanian Industrial Commission
Industrial Relations Act 1984

T No. 9229 of 2000

IN THE MATTER OF an application by
the Australian Liquor, Hospitality and
Miscellaneous Workers Union -
Tasmanian Branch to vary the Leather,
Canvas and Sheet Plastic Fabrication
Award

Re: to vary Clause 8 by deleting
subclause 1 - Wage Rates, and
inserting a new subclause 1 - Wage
Rates and Classifications, to facilitate
minimum rate adjustments

COMMISSIONER ABEY

HOBART, 18 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 9.13am

COMMISSIONER: Firstly, my apologies for the delayed start. Could I take appearances, please.

5 **MR P. TULLGREN:** If the commission please, my name is TULLGREN and I appear for the applicant, Australian Liquor, Hospitality and Miscellaneous Workers' Union.

COMMISSIONER: Thank you, Mr Tullgren.

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

10 **MR P. MAZENGARB:** If it pleases the commission, PAUL MAZENGARB representing the Tasmanian Chamber of Commerce and Industry.

COMMISSIONER: Thanks, Mr Mazengarb. Mr Tullgren, where are we at?

15 MR TULLGREN: Thank you, commissioner. We had sought the listing of this matter this morning, simply to have a date set for hearing. We made the application to vary the award on 10 October 2000. The application has attached to it a draft order. I can indicate, as I've provided to my friends, that the application seeks to vary the
20 award to reflect similar changes made by her Honour Senior Deputy President Marsh of the Australian Industrial Relations Commission in relation to the Saddlery, Leather and Canvas Award.

Obviously, that award is far more comprehensive but, for instance, the trade classification and the sail making classification which are
25 common to both appear as does the other level, the level 1.

I understand my friend, Mr Mazengarb, who has been briefed quite late in this matter so far is seeking the views of his clients. I think on that basis, that if a date could be set for hearing then we will have that to work through. I call that, effectively, the Cortez principle -

30 COMMISSIONER: It often works, yes.

MR TULLGREN: If the parties are able to settle it prior to that date alternate arrangements could be made or the matter could then simply be reported and settle on a date. In the alternative, if the matter can't be settled we'll have a hearing date at which to dispose of this matter.

35 I might indicate that if the matter proceeds we would be relying significantly on all the material that was provided to Senior Deputy President Marsh and would be arguing that in accordance with the extant state wage principle dealing with minimum rate adjustments, that it would apply it effectively the - to use the criminal parlance, a

hand up brief in some ways, although we'd certainly argue it but we'd be relying on - and there is a voluminous quantity of material that was provided to her Honour in relation to the original proceedings.

COMMISSIONER: Thank you, Mr Tullgren. Mr Flanagan?

5 MR FLANAGAN: Commissioner, we support the proposition that the matter should be given a date for a hearing. If it pleases the commission.

COMMISSIONER: Mr Mazengarb?

10 MR MAZENGARB: Thank you, Mr Commissioner. I have no objection to the application made and supported by the union. We haven't had a chance to canvass, excuse the pun - we haven't had an opportunity to canvass our members yet in relation to the application and certainly, we'll be doing that over the next few days and if a hearing date could be set some time - we haven't actually looked at a date but I would
15 need a couple weeks to get some direction back from membership, bearing in mind that Christmas is during that period - I would say, two or three weeks at least for me to get that information, it would be appreciated. Thank you, Mr Commissioner.

COMMISSIONER: We'll go off the record for a moment.

20 **OFF RECORD 9.18am**

ON RECORD 9.20am

COMMISSIONER: On that basis, this matter will be adjourned until 9.30am on Wednesday, 7 February, which should allow sufficient time for the parties to have any negotiations that may expedite this matter.
25 In any event, we'll reconvene on the 7th and see where we go.

The commission stands adjourned.

HEARING ADJOURNED 9.22am

