

HEARING COMMENCED 10.45am

COMMISSIONER: I'll take appearances in these matters, please.

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

COMMISSIONER: Are you appearing in all matters?

MS SHELLEY: Yes, I am.

10 **MR J. LONG:** If the commission pleases, JEFF LONG. I'm appearing on behalf of the Construction, Forestry, Mining and Energy Union, Tasmanian Branch and I'll be appearing in only the one matter, that is, T8155 of 1998, the Laundry Award.

COMMISSIONER: Good. Thank you.

15 **MR J. O'NEIL:** If it pleases the commission, O'NEIL, J., appearing for the Tasmanian Chamber of Commerce and Industry Limited, appearing in all matters. Thank you.

20 COMMISSIONER: Good. Thank you. Now, it was my intention to join all these matters. I'm open to suggestions as to the best method to adopt to process these matters but I thought the arguments may have been the same for all matters. It would be just the draft orders that may vary. Any submissions, Ms Shelley?

25 MS SHELLEY: Well, I would concur with the idea that they be heard together. The arguments are indeed the same in all matters and refer to the same full bench decision. The only suggestion that I would make is that we deal with the Laundry Award first, so that Mr Long can then depart and that we do go through all of the awards separately, beginning with that one.

COMMISSIONER: Right. Is there agreement in relation to the orders?

MS SHELLEY: Yes, there is.

30 COMMISSIONER: Is there a need for you to take me through the orders?

MS SHELLEY: There are a couple of alterations in the draft orders that we would like made.

35 COMMISSIONER: Well, I think it might be easier to do that off the record and you could tell me what - when you tender the draft orders, you can be presenting the finished document.

MS SHELLEY: Okay. That's fine.

COMMISSIONER: We might just go off the record for a moment.

OFF RECORD 10.50am

ON RECORD 11.25am

5 COMMISSIONER: Let the record show that during the course of the conference, Ms Shelley has tendered some draft orders for each of the awards that are before us this morning, a copy of which I have. They're all amendments to the draft orders attached to the application and there have been one or two slight amendments made during the course of the conference and the commission has noted those slight
10 amendments to each of the draft orders.

The commission has before it draft orders for each of the applications before it. Thank you. Ms Shelley?

15 MS SHELLEY: Thank you. This is an application pursuant to section 23 of the Act to vary the aforementioned awards in order to give effect to the full bench decision, T6641 of 1996, relating to the flow-on of the Australian Industrial Relations Commission test case decisions regarding family leave and personal carer's leave.

20 We have adopted some small variations of the model clause that was outlined in this commission's decision and we have inserted basically what is the model clause to allow for carer's leave and facilitative clauses in respect of various aspects of that decision and also some slight variation in respect to part-time workers which is agreed and that actually does give effect to what was contained within the text of the full bench decision, that the parties should have discussions and
25 come to agreement as to what would happen with part-time and casual workers and that is what has happened.

30 We would ask that the operative date be the first full pay period on or after today's date and we believe that this application does not offend the Wage Fixing Principles or the public interest. If the commission pleases.

COMMISSIONER: Thank you. Mr Long, have you any submissions?

MR LONG: Thank you, sir. Yes, I have had some brief discussions with the applicant this morning and our organisation will be supporting her submission. If the commission pleases.

35 COMMISSIONER: Thank you. Mr O'Neil?

40 MR O'NEIL: Thank you, sir. We certainly concur with and support the submissions as put to you this morning by Ms Shelley and that the applications are in accordance with the Wage Fixing Principles of this commission and do not offend in any way the public interest and the applications before you are certainly in accordance with this

commission's full bench decision of T441 of 1996. If it pleases the commission.

COMMISSIONER: Good. Thank you. I can indicate to the parties that I'm going to support the application to vary the awards. I'll hand down a decision and orders giving effect to that decision in due course.

I indicate, for the purpose of the record, that it is not my view that the award should be consolidated at this time - each of the awards should be consolidated, because I am of the view that the formatting, or the new formatting of the awards is not far away, and for that reason I'm not requiring the award to be consolidated and the various 10 consequential amendments to the clause numbers take place, so therefore I have to say that if I have future cases before me, I may require a consolidation depending on how far the award formatting is away from completion.

15 I will hand down those orders as soon as we can get them out. These matters are now concluded.

HEARING CONCLUDED 11.30am