

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 2316 of 1990

IN THE MATTER OF an application by
the Association of Draughting,
Supervisory and Technical
Employees, Tasmanian Branch to
vary the Surveyors (Private
Industry) Award

re Initiation of a program to
restructure the award

COMMISSIONER GOZZI

Hobart, 19 October 1990
Continued from 11/10/90

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: Can we have changes in appearances, please?

MR T.J. ABEY: On this occasion I appear for the TCI, ABEY, T.J.

COMMISSIONER GOZZI: Thank you Mr Abey.

MR T. BAKER: Thank you, sir.

COMMISSIONER GOZZI: Mr Baker.

MR BAKER: When this matter was last before the commission, I reported to it that the parties were in agreement and that we would like a hearing on or around 17 October to put to you a final package. Unfortunately one might say the wheels have fallen off slightly and I think it may be appropriate if we were to adjourn into conference under your chairmanship, for five minutes, then we can sort of - to, sort of, fill you in, in an informal manner as to what in fact has happened in relation to the package.

COMMISSIONER GOZZI: Right. What about the draughting officers which is to be called on later on?

MR BAKER: Yes, that is ready to go.

COMMISSIONER GOZZI: Right. Okay, well, we will adjourn into conference.

MR BAKER: Thank you.

INTO CONFERENCE

COMMISSIONER GOZZI: Just let me indicate that in respect of the Surveyors (Private Industry) Award that it appears there is a difficulty with the proposed clause 13(d) which goes to suspension of employees in the event of misconduct. In respect of that particular clause it may be prudent for the parties to have some further discussions on it and come back to the commission with either an agreed position or a position which may have to be arbitrated.

In respect of enterprise agreements my position is this: I recognise the concern that the TCI have in respect of that particular provision. I also understand that there may be other views that may wish to be put by the applicant in this matter. The bottom line is that I have not heard an argument in respect of enterprise agreements and it would appear to me that the parties should take the opportunity to address the commission, as currently constituted, in a full blown argument in respect of this particular clause following which I will hand down a reasoned decision.

Now, if that is acceptable I would adjourn these proceedings to allow you to have those discussions which I referred to and, secondly, to allow you to prepare to put arguments in respect of the enterprise agreements provision. Mr Baker, what is your view?

MR BAKER: I would support those comments as made by the commission.

COMMISSIONER GOZZI: Mr Abey?

MR ABEY: Can we go off the record for a second?

COMMISSIONER GOZZI: Yes. We are off the record.

OFF THE RECORD

COMMISSIONER GOZZI: Now, Mr Abey, that proposal I outlined would that be acceptable to TCI?

MR ABEY: Yes, Mr Commissioner.

COMMISSIONER GOZZI: All right. Well, we can set a hearing date for that to happen. Go off the record.

OFF THE RECORD

COMMISSIONER GOZZI: These proceedings are adjourned to 10.30 am on 5 December when the parties will address the commission in respect of the outstanding issues. Thank you, gentlemen.

HEARING ADJOURNED