



*Tasmanian Industrial Commission*  
Industrial Relations Act 1984

T No. **9374 of 2001**

**IN THE MATTER OF** an application by  
The Australian Workers' Union,  
Tasmania Branch to vary the  
Silviculture and Afforestation Award

Re: Variation of Part III Clause 2

PRESIDENT LEARY

HOBART, 19 February 2001

**TRANSCRIPT OF PROCEEDINGS**

Unedited

**(WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY)**  
**(ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS)**

---

**HEARING COMMENCED 9.05am**

PRESIDENT: Could I take appearances, please.

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

5 PRESIDENT: Thank you.

**MR R. ROLLINS:** May it please the commission, RICHARD ROLLINS, for the Tasmanian Chamber of Commerce and Industry.

PRESIDENT: Thank you. Mr Flanagan, our favourite award?

10 MR FLANAGAN: Yes, indeed. President, this application, we hope, is not a controversial one. It does seek to do two things. In the negotiations for the new award the union had given an undertaking to the employer organisations to amend the classification structure to have a number of occupations inserted at level 3 rather than level 4 and in particular, the powder monkey which appeared at level 4  
15 should have been in level 3 and the assistant powder monkey which appeared at level 3 should have appeared at level 2.

In addition, the chain saw operator, and this is not dealt with in the application, I'll take you to that shortly - the chain saw operator which also appears at level 4, should have appeared at level 3.

20 The application, in that sense, is deficient to the extent that it doesn't deal with the chain saw operator and I intend to submit to you an amended schedule. If I may do that.

PRESIDENT: There's no objection, I take it, from Mr Rollins?

MR ROLLINS: No.

25 PRESIDENT: Thank you.

MR FLANAGAN: The chain saw operator was brought to my attention only late last week and we haven't had an opportunity to type up that amendment. You will see we have a hand-written amended schedule.

PRESIDENT: I see, yes.

30 MR FLANAGAN: The second aspect that this application seeks to address is the question of caravans and that is in variation number 2. At the moment, the way that the amenities provision reads, it could be argued that people engaged in field work, that is, firefighting, could be required to take with them caravans.

35 That would be an extremely dangerous situation and was not the intention of the parties when making the award. What variation number 2 makes clear is that people engaged in fire suppression

activities, whether that's a wild fire or a regeneration burn, are not required to have caravans taken with them.

PRESIDENT: Are amenities provided by the contractor or are these short-term exercises?

5 MR FLANAGAN: The amenities are provided by the contractor. You'll see, variation number 3, is to take effect from 1 January 2001. In many ways, this application is really a correction order.

PRESIDENT: So it's almost cosmetic, fixing up some of the issues from the initial operation of the award?

10 MR FLANAGAN: That's correct. I've raised those matters with the TCCI who have indicated that, given that we're actually reducing the cost of labour and making a commonsense -

PRESIDENT: It's on the record, you know.

15 MR FLANAGAN: Yes, we tried to avoid that actually. Secondly, the other issue is a commonsense matter and there's no objection from the TCCI but I'll let Mr Rollins address that on behalf of the TCCI. If it pleases the commission.

PRESIDENT: Thank you. Mr Rollins?

20 MR ROLLINS: I concur with the preceding remarks. The changes are sensible and -

PRESIDENT: I'm sure from your point of view they are, if what Mr Flanagan says is correct.

MR ROLLINS: As he just pointed out, yes, and we agree to the variation of this award.

25 PRESIDENT: Just a general question. Is there anyone else that we should have advised or informed of this? I don't think any of the contractors or employer respondents would be too upset about the variation. I'm just concerned about people being aware of what's happening.

30 MR FLANAGAN: The only other organisation which has an award interest is the TTLC. So, there's no other organisation which -

PRESIDENT: You'd be covering their bases anyway as the only union respondent to the award?

MR FLANAGAN: Yes, absolutely.

35 PRESIDENT: I'm just very nervous about this award, in case you hadn't gathered. It's causing me a couple of sleepless minutes.

MR FLANAGAN: I'm sure you're not alone with that, president.

PRESIDENT: This is an application by consent to vary the  
Silviculture and Afforestation Award. It's basically a cosmetic exercise  
to amend some of the provisions that needed to be clarified following  
5 the making of the new award. The variation will take effect from 1  
January 2001.

This matter is adjourned. Thank you.

**HEARING ADJOURNED 9.10am**