



Industrial Relations Commission of Australia

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1313/1993 (22nd October, 1993)

Industrial Relations Commission Decision 1313/1993; [1993] 1313 IRCommA

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AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

[Industrial Relations Act 1988](#)
[s.113](#) applications for variation

Woolston Printing
(C No. 70059 of 1992)

COUNTRY PRINTING AWARD, 1959
(ODN C No. 00772 of 1958)
[Print G8513 [C056]]

Production Packaging Industries and another
(C No. 31777 of 1992)

GRAPHIC ARTS AWARD, 1977
(ODN C No. 03661 of 1981)
[Print H6950 [G014]]

Printing employees

Printing industry
Graphic arts

COMMISSIONER FOGGO

MELBOURNE, 22 OCTOBER 1993

Conditions of employment - recognition of conscience - employer subsequently withdrew application upon Commission determining that employer and union parties to award agree to exercise rights under award and Act by communication through officers of the Registry, department of the auspices of the Commission.

DECISION

This matter concerns an application by Woolston Printing pursuant to [section 113](#) of the [Industrial Relations Act 1988](#) (the Act). The applicant seeks to vary

the Country Printing Award, 1959 by inserting a provision pertaining to the "recognition of conscience". The application was opposed by the Printing and Kindred Industries Union (PKIU) and The Printing and Allied Trades Employers' Federation of Australia (PATEFA). Following initial proceedings in this matter the Commission, as constituted, joined this matter with proceedings already underway in C No. 31777 of 1992, a section 113 application by Production Packaging Industries and Stirling Office Equipment which involved applicants who were also members of  **the Brethren**  and who similarly sought to vary the relevant award to provide for recognition of conscience. On 27 April 1993 the applicant in C No. 31777 of 1992 advised the Commission that they wished to withdraw their application.

On several occasions over the past few months I have met with or corresponded with the parties in an attempt to resolve this dispute. It was agreed by the parties that they would be assisted by the Commission taking this role since the applicant was unable to conduct discussions or negotiations direct with the union or employer parties. Following the withdrawal of C No. 31777 of 1992 a series of private discussions have been held with the parties and since a decision, which the parties support, has been made it is unnecessary to go into the detail of the earlier proceedings in this matter. However, I wish to recognise that it would not have been possible to reach agreement in this matter without the assistance and the individual goodwill shown by each of the parties.

The decision which I have reached represents a practical solution to the current dispute. The submissions in the proceedings in the Commission have made it clear that a longer term agreement was also needed and my decision seeks to prevent further disputes between the parties by putting into place a code of practice which will assist in the resolution of any further industrial matters between the parties.

As full settlement with Woolston Printing, 111 Elizabeth Street, Launceston and the Printing and Kindred Industries Union in C No. 70059 of 1992 the following shall apply:

1. Woolston Printing will withdraw their application to vary the Country Printing Award, 1959 in matter C No. 70059 of 1992.
2. Provided that and only for as long as any employer in the State of Tasmania who is a respondent to the Award and belongs to the religious fellowship known as  **the Brethren** , any right or function under the Award of a union or employer organisation to approach or communicate with such an employer shall be exercised only by the Industrial Registrar or Deputy Industrial Registrar of the Australian Industrial Relations Commission or Federal Inspectorate Officers.
3. Provided that and only for as long as any employer in the State of Tasmania who is a respondent to the Award and belongs to the religious fellowship known as  **the Brethren** , where the Award

requires such an employer to communicate with the union or employer organisation about any matter (including apprenticeship matters) then that employer may fulfil its obligations under the Award by notifying or communicating with the Industrial Registrar or Deputy Industrial Registrar.

4. It is recognised that there is currently two apprentices employed at Woolston Printing, Launceston; a position that will not be altered, however, if the company seeks to employ any further apprentices the terms and conditions of the Country Printing Award, 1958 or its successor will apply subject to items 2 and 3.

Appearances:

G. Woolston with W. John (assisting) for Woolston Printing.

B. Joyce for Production Packaging with J. McKay for Stirling Office Equipment.

J. Hargrave for The Printing and Allied Trades Employers' Federation of Australia.

B. Barker with R. Nichols, I. Wenham and E. Snell for the Printing and Kindred Industries Union.

Dates and places of hearing:

1992.

Launceston:

November 6.

Melbourne:

October 13, 27.

1993.

Launceston:

February 9.

Melbourne:

February 10.

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