



**Forestry & Furnishing
Products Division**

Facsimile

To: The Registrar
Facsimile No: 03 9655 0401
From: Rosalind Read
CC:
Date: 15 July 2008
No of pages (incl this one): .
Re: **Application to vary the TIMBER AND ALLIED INDUSTRIES
AWARD 1999 [AT800937CRV]**

Dear Registrar, please find attached an application to vary the TIMBER AND ALLIED INDUSTRIES AWARD 1999 TRANSITIONAL [AT800937CRV]

We ask that this application be referred to the President and included with the applications to be dealt with as part of the ACTU Wages and Allowances Review 2008 test case application.

Should you have any questions in relation to this matter please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R Read', is written over the typed name 'Rosalind Read'.

Rosalind Read

National Industrial Officer

CFMEU - FFPD

FORM R19

Rule 26 of the *Australian Industrial Relations Commission Rules*

Workplace Relations Act 1996 (the Act)

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

APPLICATION TO VARY OR REVOKE A TRANSITIONAL AWARD

(Clauses 29, 30 and 31 of Schedule 6 to the Act)

IN the matter of:	
	TIMBER AND ALLIED INDUSTRIES AWARD 1999 AT800937CRV

Applicant

Name of applicant:	Construction Forestry Mining and Energy Union Forestry and Furnishing Products Division		
Address for service	148 – 152 Miller Street, West Melbourne, VIC 3003		
Contact Person:	Rosalind Read, National Industrial Officer		
	<i>[also include the name of any firm of solicitors or agent acting for the applicant]</i>		
Phone No:	03 9274 9200		
Facsimile No:	03 9274 9284	Mobile No:	0438 884 215
Email address:	rread@cfmeuffpdnational.org		

Application is made for the *variation* of the abovementioned transitional award in the following terms:

Application is made for variation of the abovementioned award to vary the wages, the wage and expense related allowances and including the supported wage, contained in the award to give effect to the Fair Pay Commission decision of 8 July 2008, in terms of a draft order to be filed in due course.

Indicate the clause or clauses relied upon to make this application:


<input checked="" type="checkbox"/>	clause 29 of Schedule 6 to the Act
<input type="checkbox"/>	clause 30 of Schedule 6 to the Act
<input type="checkbox"/>	clause 31 of Schedule 6 to the Act

The grounds on which this application is made are as follows:

1. To give effect to the objects of the Workplace Relations Act 1996 ["The Act"] Schedule 6, Part 1 Section 1.

- 2. To give effect to Schedule 6 Part 2 Division 1 of the Act, section 8(2) and 8(3).
- 3. The application is consistent with Schedule 6 Part 3 Division 1 Subdivision B.
- 4. The application is consistent with Schedule 6 Part 3 Division 2 section 29.
- 5. To provide for protection against inflation for low paid workers and to ensure low paid workers share in the growth in national prosperity, by raising minimum rates of pay.
- 6. To provide simple, equitable and enforceable minimum rates of pay and conditions.
- 7. To provide consistency with the decision of the Australian Fair Pay Commission of 8 July 2008.
- 8. Any other grounds that may be relied upon and that the Commission deems appropriate.

Dated: 15 July 2008.


 Michael O'Connor
 National Secretary
 CFMEU-FFPD

To the persons and organisations bound by the abovementioned transitional award:

You are hereby notified that the abovementioned application will be heard by
 [name of Commission member]
 at [time]
 on [date]
 at [place]
 and that you may appear and be heard at the time and place so fixed.

Dated 20 .
 [Signature]
 Member of Commission.
 [or Registrar]

FORM R21

Chapter 3, regulation 7.7, *Workplace Relations Regulations 2006*

Workplace Relations Act 1996 (the Act)

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**NOTICE OF HEARING OF APPLICATION TO VARY A COMMON
RULE AWARD**

IN the matter of:

TIMBER AND ALLIED INDUSTRIES AWARD 1999 [*Transitional*]
AT800937CRV

AND in the matter of an application to vary the abovementioned awards.

Notice is given:

(a) that this matter involves the variation of the term (or each of the terms) of the above-mentioned award referred to in the Schedule below; and

(b) that the term (or each of the terms) so referred to is (or are) a common rule in Victoria for the **TIMBER** industry, in relation to employers and employees within the meaning of *section 858 of the Workplace Relations Act 1996*; and

(c) the matter will be heard
at [*time*]
on [*date*]
before [*name*]

A copy of the award (or order) may be inspected free of charge at the Australian Industrial Registry at 11 Exhibition Street, Melbourne VICTORIA

or at the following places:

SCHEDULE

TERMS TO BE VARIED

Clause Number.	Subject	Substance of variation
19.3.17, 22, 23, 27, Appendix A Part 1 clauses 1(b), 1(c), 2(a), Appendix A part 2 clauses 4, 5(a)(ii) 6, 7(a), 7(b), 7(c), Schedule, Part 3 clause 5.1.5, 5.1.6, 5.2.1, 5.3, 9.1, 9.2, 9.3, 16.4.1, 16.4.2, Appendix D Part 2 clause 2, Part 3 clause 1.5, 2, Appendix G clause 2.	Wages and Wage and Expense related Allowances Supported Wage	To give effect to the 8 July 2008 decision of the AFPC.

Dated {insert date}.
Registrar

FORM R62Rule 73 of the *Australian Industrial Relations Commission Rules**Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

APPLICATION FOR AN ORDER FOR SUBSTITUTED SERVICE

IN the matter of:	
	TIMBER AND ALLIED INDUSTRIES AWARD 1999
	AT800937CRV

Applicant

Name of applicant:	Construction Forestry Mining and Energy Union Forestry and Furnishing Products Division		
Address for service	148 - 152 Miller Street, West Melbourne, VIC 3003		
Contact Person:	Rosalind Read, National Industrial Officer		
	<i>[also include the name of any firm of solicitors or agent acting for the applicant]</i>		
Phone No:	03 9274 9200		
Facsimile No:	03 9274 9284	Mobile No:	0438 884 215
Email address:	rread@cfmeuffpdnational.org		

Application is made for an order for substituted service for the service otherwise required by the Australian Industrial Relations Commission Rules in the above matter and that service upon the undermentioned parties be good and sufficient service and be effected by: **FACSIMILE:**

John Pagacs
Australian Business Ltd
Locked Bag 938
NORTH SYDNEY NSW 2059
02 9554 5029

Gerry Pels
Australian Industry Group
20 Queens Road
MELBOURNE VIC 3000
03 9867 0199

Steven Smith
Australian Industry Group
51 Walker Street,
North Sydney NSW 2060
02 9466 5599

Michael Sheehan
Business SA
136 Greenhill Road
UNLEY SA 5061
08 8300 0205

Lynda Bone
Carter Holt Harvey
White Avenue
Mount Gambier
08 8721 3609

IR Manager
Chamber of Commerce and Industry of WA
PO Box 6209
EAST PERTH WA 6892
08 9365 7550

Philip Wilcockson
Employers First
PO Box A233
SYDNEY SOUTH NSW 1235
02 9261 1968

Philip Khoo
Furnishing Industry Association of Australia
PO Box 6783
SILVERWATER NSW 1811
02 9648 3722

Michael O'Sullivan
The Laminex Group
PO Box 407 Tram Road
DONCASTER VIC 3108
(03) 9840 2135

Edwidig Croucher
SOTICO
PO Box 460
WELSHPOOL WA 6001
08 9351 6399

IR Manager
Tasmanian Chamber of Commerce and Industry
GPO Box 793
Hobart, TAS 7001
03 6231 1766

IR Manager
Tasmanian Logging Employers Association
PO Box 77
KINGS MEADOW TAS 7249
03 6343 1775

Executive Officer
Forest Industries Association of Tasmania Ltd
38 Montpelier Ret
BATTERY POINT TAS 7004
03 6224 1030

Emma Watt
Timber Merchants Association
PO Box 97
BLACKBURN VIC 3130
03 9877 6663

Janet Williams
Timber Traders Industrial Association
PO Box 236
DARLINGHURST NSW 1300
02 9264 1924

Phil Eberhard
VECCI
GPO Box 4352QQ
MELBOURNE VIC 3001
03 8662 5341

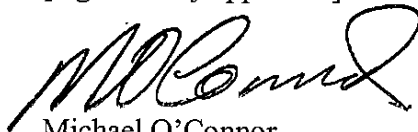
Nick Murray
Victorian Association of Forest Industries
320 Russell Street
MELBOURNE VIC 3000
03 9611 9011

The grounds on which this application is made are as follows:

1. There are a large number of employers respondent to the award and those employers carry on operations at various addresses throughout the States of Australia, in both regional and metropolitan areas.
2. because of the number of respondents and the areas over which they are distributed, prompt personal service cannot be effected in time for adequate notice to be given.
3. that it would be unnecessarily onerous, and impose an unnecessary cost burden on the Union, if all of the respondents were required to be notified by the Union
4. the named employer organisations have been the principle representatives of the employer respondents, and
5. when the award was previously before the Commission the parties who have appeared are those set out in this application for Substituted Service

Dated 15 July 2008

[Signature of applicant]



Michael O'Connor
National Secretary
CFMEU-FFPD

Note The application should be supported by a written statement in the following terms:

I, Michael O'Connor, am the National Secretary, of the Forestry and Furnishing Products Division of the Construction Forestry Mining and Energy Union and I am authorised to act in this matter.

[Signature of applicant]



Michael O'Connor
National Secretary

CFMEU-FFPD