

**AUSCRIPT AUSTRALASIA PTY LTD**  
ABN 72 110 028 825

Suite 25, Trafalgar Centre 108 Collins St HOBART Tas 7000  
Tel:(03) 6224-8284 Fax:(03) 6224-8293



## **TRANSCRIPT OF PROCEEDINGS**

---

O/N 1011

### **TASMANIAN INDUSTRIAL COMMISSION**

**DEPUTY PRESIDENT P.C. SHELLEY**

**T No 10970 of 2003**

### **BUTTER AND CHEESEMAKERS AWARD**

**Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 by the Australian Workers Union, Tasmania Branch to vary the above award re to give effect to the fourth adjustment to wages with the minimum rates adjustment principle**

**HOBART**

**9.30 AM, FRIDAY, 23 JULY 2004**

**This transcript was prepared from tapes recorded by the Tasmanian Industrial Commission**

PN1

MR R. FLANAGAN: I appear for the Australian Workers Union, Tasmania Branch.

PN2

MR N. GOZZI: I appear for the Tasmanian Chamber of Commerce and Industry Limited.

PN3

THE DEPUTY PRESIDENT: Thank you. Mr Flanagan?

PN4

MR FLANAGAN: Thank you, Commissioner. This application seeks to vary the Butter and Cheese Award to finalise the minimum rates adjustment process in accordance with that principle of the wage-fixing principles. Prior to today's proceedings the union forwarded to the Commission and the TCCI a copy of the proposed schedule of variation. From discussions with the TCCI it appears that there is a need to amend the schedule to conform with the Commission's standards for formatting, in particular at the completion of the MRA process the Commission formatting requires the incorporation, if you like, of a final supplementary payment with the base rate.

PN5

The AWUs schedule has failed to pick that up. In addition there is some small tweaking issues which need to be addressed so as a consequence of that the TCCI will provide to the union today a re-drafted order. We will examine that and forward it to the Commission next Monday.

PN6

THE DEPUTY PRESIDENT: Okay, so a re-drafted schedule or a re-drafted order?

PN7

MR FLANAGAN: A re-drafted order.

PN8

THE DEPUTY PRESIDENT: Okay. My understanding is that it will be consolidated with the - - -

PN9

MR FLANAGAN: With the State wage case.

PN10

THE DEPUTY PRESIDENT: - - - with the Stage wage case.

PN11

MR FLANAGAN: Yes, that is correct, Commissioner, so in terms of the actual order we will provide the Commission with a corrected order on Monday of next week. However, we are in a position where we can proceed by consent. I guess one of the issues which arises from this application is that it falls so close to the operative date of the State wage case.

PN12

THE DEPUTY PRESIDENT: It is the same date isn't it; wasn't it 1 August?

PN13

MR FLANAGAN: Yes. The union has proposed 1 August. Ordinarily we would be pursuing an operative date from today on 6 August, but on the basis of efficiency for all concerned, given that 6 August and 1 August invariably will fall in the same pay period it seemed to make more sense to have the matter operative from 1 August and TCCI have indicated that in these fairly unique circumstances they are prepared to consent to that.

PN14

Commissioner, as you are aware the award has been varied to give effect to the first, second and third minimum rates adjustment. On the basis of that were arrangements entered into by the parties some time ago and I would just seek to tender a copy of the arrangements which were agreed years ago.

PN15

THE DEPUTY PRESIDENT: I will mark that - the T documents, we will mark - the one that is set out landscape we will mark A1.

#### **EXHIBIT #A1 DOCUMENT SET OUT LANDSCAPE**

PN16

THE DEPUTY PRESIDENT: And we will mark the other one A2.

#### **EXHIBIT #A2 COPY OF AGREEMENT REACHED BETWEEN AWU AND TCCI**

PN17

MR FLANAGAN: Now, if I can just explain A1 to you, Commissioner, that is the landscape document. They are the calculations which were done by the Australian Services Union and agreed between that organisation and the TCCI at the beginning of this process, and likewise A2 was the agreement reached between the AWU and the TCCI at the beginning of the process so the effect of the schedule which the parties will provide to you on Monday is to give effect to those originally agreed calculations. So given that the matter is by consent that it is an application to apply the fourth minimum rates adjustment that that application is consistent with the wage-fixing principles, the union submits that there is nothing which offends the public interest and in those circumstances the award should be varied to give effect to the fourth minimum rates adjustment. If it please the Commission.

PN18

THE DEPUTY PRESIDENT: Thank you. Mr Gozzi?

PN19

MR GOZZI: Commissioner, the TCCI does agree to the outlined variation with those minor corrections to be provided by Monday. It does seem that it is consistent with the IR Act, section 36, and consistent with the wage-fixing principles. With regard to the operative date the TCCIs position is generally from the date of the hearing but in these circumstances we will agree to retrospective the first full pay period from 1 August '04. Thank you.

PN20

THE DEPUTY PRESIDENT: Thank you. I think that is very sensible in relation to the operative date, at least from our point of view, and I indicate that the award will be varied in the manner sought and that an order will be issued that will be a consolidation of the award that will include both the fourth minimum rates adjustment and the State wage case variations. The matter is adjourned - subject, of course, to receiving the re-drafted schedule. Thank you.

PN21

MR FLANAGAN: Thank you, Commissioner.

PN22

MR GOZZI: Thank you.

**ADJOURNED INDEFINITELY**

INDEX

LIST OF WITNESSES, EXHIBITS AND MFIs

**EXHIBIT #A1 DOCUMENT SET OUT LANDSCAPE.....PN16**

**EXHIBIT #A2 COPY OF AGREEMENT REACHED BETWEEN AWU  
AND TCCI.....PN17**