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**TRANSCRIPT OF PROCEEDINGS**

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O/N 1358

**TASMANIAN INDUSTRIAL COMMISSION**

**DEPUTY PRESIDENT P.C. SHELLEY**

**T No 11771 of 2004**

**PUBLIC VEHICLES AWARD**

**Application pursuant to the provisions of  
section 23(2)(b) of the Industrial Relations Act 1984  
by the Australian Municipal, Administrative, Clerical  
and Services Union to vary the above award  
re fourth MRA**

**HOBART**

**9.30 AM, WEDNESDAY, 17 NOVEMBER 2004**

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

**HEARING COMMENCED**

**[9.30am]**

PN1

MR I. PATERSON: I appear for the Australian Municipal, Administrative, Clerical and Services Union.

PN2

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

PN3

THE DEPUTY PRESIDENT: Thank you. Mr Paterson?

PN4

MR PATERSON: Thank you, Deputy President. This application brings to a conclusion a matter I think we started in 2002. Mr Gozzi from the Chamber has indicated to me a couple of minor errors in the application so I would like to provide two replacement pages to the application.

PN5

THE DEPUTY PRESIDENT: Thank you.

PN6

MR PATERSON: That is for you with the changes circled and one for the Commission and ignore the back page, the one in your left hand. The changes, Deputy President, are in the weekly wage rate for the grade 2 loader freight receiver - - -

PN7

THE DEPUTY PRESIDENT: Yes, marked 10 cents.

PN8

MR PATERSON: Changes from 5 - 10 cents, and in the grade 4 and 5, the base rate relativities are changed. There were errors there.

PN9

THE DEPUTY PRESIDENT: Okay, so that is 94.5 is the correct - - -

PN10

MR PATERSON: 94.5 for grade 4 and 96.3.

PN11

THE DEPUTY PRESIDENT: - - - right, and 96.3.

PN12

MR PATERSON: I did go back to the original documentation that we presented in the earlier matter and we have provided that to Mr Gozzi so that we are certain that it is the relativity that changes and not the dollars. I believe that to be correct. This application also includes having concluded this minimum rates process, the application also inserts into the award the minimum wage clause and tying up the application it also inserts a new paragraph 6 in Part V, the reasonable overtime standard clause from the Commission.

PN13

THE DEPUTY PRESIDENT: So does that make this award completely up to date?

PN14

MR PATERSON: To the best of my knowledge and information although I am sure there is more that could always be done but probably best done by agreement rather than by the safety net variation - or variation to the award as a safety net. The operative date that we will seek is the first full pay period commencing on or after today's date so effectively - - -

PN15

THE DEPUTY PRESIDENT: Okay, well you have - - -

PN16

MR PATERSON: - - - a further amendment to the application to make the operative date the first full pay period commencing on or after 17 November.

PN17

THE DEPUTY PRESIDENT: 17th.

PN18

MR PATERSON: I submit to you that this is in accordance with the principles of the Commission and the decisions in the previous relevant matters to this. Thank you, Deputy President.

PN19

THE DEPUTY PRESIDENT: Thank you. Mr Gozzi?

PN20

MR GOZZI: Thank you, Deputy President. The application before you is a consent matter and the TCCI is here to support this variation. This is the fourth instalment of the MRA process and I confirm that the draft order with replacement pages that you were provided with has been checked and the calculations are in fact correct. We believe the agreement up for approval is not contrary to the wage fixing principles and is consistent with public interest under the Act. Furthermore we consent to these variations and in terms of operative date we are in agreement with Mr Paterson and would seek from the first full pay period from today's date.

PN21

THE DEPUTY PRESIDENT: Thank you. Well, I indicate to you both that the award will be varied in the manner sought with an operative date of the first full pay period commencing on or after 17 November 2004 and this will be confirmed by way of a written decision and orders will also be issued. That concludes today's proceedings, the matter is adjourned and will be finalised once the orders are issued.

**ADJOURNED INDEFINITELY**

**[9.12pm]**