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TRANSCRIPT OF PROCEEDINGS

O/N 8864

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT R.J. WATLING

T No 10465 of 2002

PUBLIC ACCOUNTANTS 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**

HOBART

11.30 AM, THURSDAY, 10 OCTOBER 2002

PN1

MR I. PATERSON: I appear on behalf of the Australian Municipal, Administrative, Clerical and Services Union.

PN2

MR J. O'NEILL: I appear on behalf of the Tasmanian Chamber of Commerce and Industry Limited.

PN3

THE DEPUTY PRESIDENT: Right, thank you. Mr Paterson?

PN4

MR PATERSON: Thank you, Deputy President. This is an application for the third of four minimum rates adjustments which arose originally out of T7907 of 1998. The amounts and the variation as I understand are subject to Mr O'Neill's confirmation. Those that are agreed and were previously agreed in respect of the minimum rates adjustments in that earlier matter, I would submit to you that this is consistent with the wage fixing principles, particularly the structural efficiency minimum rates adjustment principle and as it is a - and it is also the continuing application of a matter that commenced some years ago.

PN5

Accordingly, I would seek your approval of this application. And before I close there are two matters that I wish to place on notice that we would intend to address in the fourth MRA. In preparing this application it came to my attention that we had not previously varied the allowances for qualifications with the first, second or third - first or second minimum rates adjustment. They were, I believe I am correct in saying they were varied in accordance with safety net adjustments. So there has been an oversight on behalf of the parties. Rather than process a catch-up with the third MRA, I think it was probably a simpler and easier process to do the full adjustment in six month's time when we make the application for the fourth MRA. The other matter that I wish to just make - - -

PN6

THE DEPUTY PRESIDENT: Have you sought agreement with the other side on that point have you?

PN7

MR PATERSON: I believe so, yes. We haven't finalised the specifics of that agreement. We have agreement on the principle of the operative date and the application of percentage increases to the allowances to reflect the minimum rates adjustment. We haven't sat down and produced the numbers as yet.

PN8

THE DEPUTY PRESIDENT: Right, so would that mean then that the first, second and third MRA adjustments haven't had the allowances varied?

PN9

MR PATERSON: That is correct. The allowances will be deferred to be adjusted with the fourth MRA.

PN10

THE DEPUTY PRESIDENT: Right. Now, these MRAs were six months apart?

PN11

MR PATERSON: Six months apart, that is correct. Except again for some slippage in the making of applications, but the agreements was they would be no less than six month's apart. The other matter I wanted to very briefly put on the record is that I believe it reflects the application of particular State wage cases with varying amounts of increases against threshold weekly wage levels, actually has produced some minor deviation from the intention at the outset of this process. These classifications were intended to reflect the classifications and relativities in the Clerical and Administrative Employees Private Sector Award and there is a \$2 slippage somewhere along the way in one of the rates, that I believe probably can be tracked back to the 10 and \$12 increase and the way that was applied.

PN12

So it would be our intention again with the fourth MRA to correct that to bring the final outcome of this process back into line with the Clerical and Administrative Employees Private Sector Award. Those are my submissions on the matter. Thank you, Deputy President.

PN13

THE DEPUTY PRESIDENT: And does that comment relate to the allowances as well?

PN14

MR PATERSON: I don't believe so because the allowances would be increased by the percentage increase against the 100 per cent relativity rate. The allowance - the percentage figure for the variations in the allowances would be - I would have to look at the numbers to be definitive about that.

PN15

THE DEPUTY PRESIDENT: Yes, right.

PN16

MR PATERSON: But my intent would be to sort of look at the total increase through the MRA and safety net adjustment process as it applied to the allowances and to apply that percentage increase which will be around 22 per cent, I think, something like that or more. I haven't done the calculations at this stage, I don't believe so. That would be the approach that I would be proposing to adopt, to look at the total percentage increase that should have applied had the processes of variation against the 100 per cent rate been applied.

PN17

So the process would be whatever percentage increase there is from a 365.20 base rate with the first MRA, through to the final wage outcome including

safety net, expressed as a percentage, would be the percentage that should be applied to the allowances from comparing the allowances as they were at the commencement of the process to the end of the process. What I am not entirely clear in my mind is how the first MRA sort of fits into that, but I think by taking it against the base rate, so the 365.20 against the 506, I think it isn't it? The 117 plus 106 - - -

PN18

THE DEPUTY PRESIDENT: Well, the next one will come to 417.20, so - - -

PN19

MR PATERSON: Yes, so there will - yes.

PN20

THE DEPUTY PRESIDENT: - - - the next MRA, so you will be basing it on the new base rate won't you, the 417.20 which is the 100 per cent of the trades person rate.

PN21

MR PATERSON: So there will be an increase in the allowances that reflects the movement of the base from 365.20 to 417.20 and there will be an increase that reflects the total amount of safety nets increased over that time as well. And that will be a matter of bringing up the total increase in allowances to that number. Some of which has been done through the 2001 and 2002 safety net increases. There were increases to the allowances that were affected by the Commission's orders for those wage case - - -

PN22

THE DEPUTY PRESIDENT: Earlier State wage case decisions required either separate application to be made or, on occasions, the parties were asked to do the draft orders and they didn't vary the allowances.

PN23

MR PATERSON: I haven't checked the history of this award prior to this application to go back prior to the allowances as they were at the commencement of the first - or prior to the commencement of the first MRA. That would be a matter that I need to have some consideration of. I haven't examined that history of this award to see whether there were prior movements in the allowances, but we will attend to that and make the application as rigorous as possible.

PN24

THE DEPUTY PRESIDENT: Good, thank you. Mr O'Neill?

PN25

MR O'NEILL: Yes, thank you, Deputy President. TCCI concur with the submissions as put to you by Mr Paterson this morning. The application before you is the third of four MRA applications to this award. It is consistent with the wage fixing principles and we concur with the operative date for the application. In respect of the other matters to which Mr Paterson has alluded to, we have had some discussions, however, further discussions will be required prior to an application being lodged before you. If it pleases.

PN26

THE DEPUTY PRESIDENT: Right, well I can indicate that I am going to vary the award in the manner sought and I will leave it to the parties to finalise the outstanding issues if and when they apply for the fourth MRA. And I take it those issues will be dealt with at that time. I make no ruling or finding on any of those outstanding issues on the allowances. I will hand down a written decision in due course which will have the order attached to it. That now concludes this matter.

ADJOURNED INDEFINITELY

[11.53am]