

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 7087 of 1997

IN THE MATTER OF an application by the
Tasmanian Trades and Labor Council to
vary all private and public sector awards

re flow on of minimum wage component
contained in the decision of the Australian
Industrial Relations Commission of April
1997 (Print P1997)

FULL BENCH

PRESIDENT
DEPUTY PRESIDENT JOHNSON
COMMISSIONER WATLING

HOBART, 2 December 1997
continued from 5/11/97

TRANSCRIPT OF PROCEEDINGS

Unedited

PRESIDENT: Are there any changes in appearances?

MS L. YILMAZ: Yes, if the commission pleases, I appear for the Tasmanian Automobile Chamber of Commerce, YILMAZ, L.

PRESIDENT: Thank you, Ms Yilmaz.

5 MR T. EDWARDS: If it please the commission, I think the record may show that Mr Fitzgerald appeared with me on the last day of hearing. It's fairly evident he's not appearing today.

PRESIDENT: Okay. Thank you. Very good. Ms Fitzgerald, do you have anything to report to the commission?

10 MS FITZGERALD: Thank you. A final report, I guess. As the commission is aware the parties, at the outset, attempted to deal with the two issues encompassed in the federal commission's safety net review wages April '97 decision, that is the safety net adjustment of \$10 per week and the establishment by that commission of the federal minimum wage.

15 We sought to deal with those matters separately and obviously as you are aware, have dealt with the \$10 safety net adjustment and have been attempting to resolve the issues around the application of a federal minimum wage in this jurisdiction. We came back before the bench on the 28th August and indicated that we did not have agreement but we would like the opportunity to continue discussions to pursue that. Again, on the 5th November we appeared before the commission and indicated
20 that late in the day before, we had a number of matters on which there was agreement, other matters on which we needed to further discuss and explore the opportunities for agreement.

25 Today, I'd like to report that we have been unable to agree on an outstanding matter and we have advised the employers that despite resolution or otherwise of that matter, that what we intend to do this morning is to seek leave of the commission to withdraw our application.

PRESIDENT: Completely, to withdraw and leave the matter unresolved?

MS FITZGERALD: Yes, totally.

30 PRESIDENT: Any other submissions for any other employee organisations? No? Mr Edwards?

MR EDWARDS: Thank you, Mr President. I think, in light of the submission that has fallen from the TTLC, I will be very brief. Firstly, we wouldn't oppose the granting of leave for the application to be withdrawn. Secondly, I would like the
35 record to show that the failure of the parties to resolve this particular claim in no way falls on the employers by way of any implication that they haven't negotiated on the matter in good faith. In fact, I suspect we were within an ace of actually having an agreement but in light of what's fallen from the TTLC today, I don't intend to pursue that question any further.

40 I understand the reasons that underpinned the direction that the TTLC have now pursued and I have some sympathy for those reasons, which I don't intend to put on the record because they are not my reasons and it would be improper for me to disclose some of the things that were revealed during the conferences we've had. So, in light of all of that we simply indicate for the record that we don't oppose the
45 granting of leave to withdraw the application. If it please the commission.

PRESIDENT: Yes. All right. Thanks, Mr Edwards. Any questions? No? Mr Pearce?

MR PEARCE: If it please the commission, having been privy to those discussions which took place early this morning, the minister's position is that he concurs with submissions of the TCCI in so far as it does not seek to oppose the application for
5 leave to withdraw the application by the TTLC. If it please the commission.

PRESIDENT: Yes. Thanks, Mr Pearce. Ms Yilmaz, I perhaps ignored you. I don't know whether you wanted to add to what Mr Edwards said?

MS YILMAZ: Quite all right, President. Well, the TACC would also not oppose the application to withdraw the application.

10 PRESIDENT: Yes. Thank you. All right. So there's no intention to pursue the matter at all at any stage?

MS FITZGERALD: No, certainly not at this stage.

PRESIDENT: No. All right. Thank you, very much. Your application to withdraw your application is granted, Ms Fitzgerald.

15 MS FITZGERALD: Thank you, very much.

PRESIDENT: Case concluded.

HEARING CONCLUDED