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TRANSCRIPT OF PROCEEDINGS

O/N 1622

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT P.C. SHELLEY

T No 11944 of 2005

**AUSTRALIAN MUNICIPAL, ADMINISTRATIVE,
CLERICAL AND SERVICES UNION**

and

OPTICAL INDUSTRIES AWARD

**Application pursuant to the provisions of
section 29(2) of the Industrial Relations Act 1984
re to give effect to Principle 7 - State minimum
wage of the wage fixing principles of the
Tasmanian Industrial Commission, and to
restructure the award**

HOBART

9.30 AM, WEDNESDAY, 2 MARCH 2005

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

PN1

MR R. FLANAGAN: I appear for the Australian Workers Union, Tasmanian Branch and the Australian Services Union.

PN2

THE DEPUTY PRESIDENT: Yes, I do have a letter on file from Mr Kelly of the ASU advising that you are going to be appearing for them, presumably while Mr Paterson is swanning around Europe?

PN3

MR FLANAGAN: Yes, that is right.

PN4

THE DEPUTY PRESIDENT: And there is nobody here from the AMWU, so I take absence to be consent. And we also have - - -

PN5

MS J. THOMAS: I appear for the Tasmanian Chamber of Commerce and Industry.

PN6

THE DEPUTY PRESIDENT: Thank you. Mr Flanagan?

PN7

MR FLANAGAN: Thank you, Deputy President. Deputy President, this application seeks to vary the award to update it to give effect to the award review process, and also principle 7 of the wage fixing principles minimum wage. Now, firstly I want to point out, Deputy President, that there is an error which appears on page 20 of the draft. If I can take you to that. Do you have page 20, Deputy President?

PN8

THE DEPUTY PRESIDENT: Yes.

PN9

MR FLANAGAN: You will see under the heading, subclause (c) Junior Employees (i), it talks about the elementary percentage of the total weekly wage rate prescribed for an optical worker grade 2. That should in fact now be optical worker grade 1. What has occurred through this process is the former optical worker grade 1 classification has been replaced, or removed really, because it was below the minimum wage, as required by principle 7. So that has affected the numbering of the classification levels. So that should now say optical worker grade 1.

PN10

The other relevant exhibits that the Commission needs to be aware of is - you will see that in accordance with the review process, the award has been restructured and renumbered to give effect to the Commission's standards now in relation to the formatting of awards. A new minimum wage has been

inserted into the award, replacing the former minimum wage, which again was inconsistent with the requirements of principle 7 of the wage fixing principles.

PN11

The leave loading which was previously expressed as a flat monetary amount has been replaced with 17 and a half per cent. In the compassionate leave provision, "grandchild" has been inserted. In Part III, clause 7(b)(i) the clause now refers to Federal legislation, which is updating that and replacing a previously obsolete provision. There is a new parental leave clause, which is the new standard for the Commission in terms of parental leave.

PN12

They are the key features of the award which is before you. You will see at the beginning of the application, the applicant has identified the previous award clause and what the new award provides for, consistent with the approach applied in these processes. So the parties have agreed that, if the Commission approves the variation as sought, that variation should take place from the first full pay period on or after today's date.

PN13

In those circumstances, Deputy President, the union would submit that the variation which is before you is in accordance with principle 7 and principle 13 award review of the wage fixing principles. It does not offend the public interest, as required by section 33, and therefore the parties seek by consent that the Commission approve the variation in the terms sought as amended in these proceedings. If it pleases the Commission.

PN14

THE DEPUTY PRESIDENT: Thank you. Ms Thomas?

PN15

MS THOMAS: Yes. Thank you, Deputy President. Mr Flanagan has done an amazing job at summarising the changes to the award, given that he didn't know too much of what Ian Paterson and I had done of the last couple of months. So congratulations to him. One other minor issue in the amendments to the award, that it included - there is a clarification around the super exemption for Tas Optical, and so that has been included there. So there is a review of the exemptions in the award, and they asked if the - they provide a choice of four funds, and that is reflected in the award now.

PN16

MR FLANAGAN: On page 27 of the award.

PN17

MS THOMAS: Yes, on page 27. So yes, I think Mr Flanagan has comprehensively covered the matters that we have, you know, put through in this award. I mean, this all emanates from an original award review conference between the parties, and convened by yourself on 1 August 2002, so it is good to see that we have finally got around to fixing this award and bringing it up to the standards that exist today. So thank you. We would consent to the variation of the award and - operative from the first full pay period on or after today's date.

PN18

THE DEPUTY PRESIDENT: Thank you very much. Well, I indicate of course that the award will be varied in the manner sought, and a decision will be issued in due course. Is there a disk in existence with the changes? You have got it. That is fine. Thank you. The matter is adjourned.

ADJOURNED INDEFINITELY