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## **TRANSCRIPT OF PROCEEDINGS**

O/N 1195

### **TASMANIAN INDUSTRIAL COMMISSION**

#### **DEPUTY PRESIDENT P.C. SHELLEY**

**T No 11713 of 2004**

**T No 11714 of 2004**

**T No 11715 of 2004**

**T No 11716 of 2004**

#### **BARRISTERS AND SOLICITORS AWARD**

#### **BUSINESS SERVICES AWARD**

#### **CLERICAL AND ADMINISTRATIVE EMPLOYEES (PRIVATE SECTOR) AWARD**

#### **ESTATE AGENTS AWARD**

**Applications 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 awards by inserting, in the first three, into Part V - hours of work, penalty payments, shiftwork and overtime - clause 2 - overtime - new subclause - requirements to work reasonable overtime; and into the Estate Agents Award clause 21 - overtime - new subclause - requirement to work reasonable overtime**

#### **HOBART**

**9.30 AM, TUESDAY, 28 SEPTEMBER 2004**

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

PN1

MR I. PATERSON: I appear for the Australian Municipal, Administrative, Clerical and Services Union in respect of all matters.

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: Deputy President, I propose to deal with these in one verbal submission. The only effective differences between the applications is the clause numbering so with your leave I will proceed in that manner. These applications arise in relation to the application by Trades and Labour Council in T10886 of 2003 and the decision of the Full Bench in that and related matters on 10 July 2003. These applications seek to insert the model clause into the four awards, The Barristers and Solicitors Award, Business Services Award, Clerical and Administrative Employees Private Sector Award and the Estate Agents Award.

PN5

The clause conforms with the model clause in that decision, as I said, except in relation to where it appears in the award and the clause numbering. Barristers and Solicitors, Business Services and the Clerical and Administrative Award all having been reformatted the clause goes into Part 5 in the relevant overtime clause. The Estate Agents Award not having been reformatted in that form the relevant clause goes into - the relevant subclause goes into clause 21, the overtime clause, in that award. I think I need do no more than submit that this is giving effect to that decision of the Commission in respect to those wage-fixing principles therefore must conform with those principles, does conform with those principles, and is consistent with the public interest test that you must apply. I seek to have the awards varied in the manner sought.

PN6

THE DEPUTY PRESIDENT: Thank you. Mr Gozzi?

PN7

MR GOZZI: Thank you, Deputy President. The TCCI is here to support the variation of those awards through the inserting of the reasonable overtime clause under section 23 of the Industrial Relations Act. It is consistent with the decision of the Full Bench and it is also not contrary to the current wage-fixing principles and is also consistent with the public interest section of the Act. Furthermore, we consent to the variation of these awards.

PN8

THE DEPUTY PRESIDENT: Thank you. Well, I indicate to the parties that the four awards will be varied in the manner sought, subject to checking for any errors in the - are they draft orders or simply applications?

PN9

MR PATERSON: There is one other related matter. I note that I didn't in the application seek any operative date for these. I am quite happy for it to be the first full pay period after today's date.

PN10

THE DEPUTY PRESIDENT: Thank you. Do you have any objection to that being the operative date, Mr Gozzi?

PN11

MR GOZZI: No.

PN12

THE DEPUTY PRESIDENT: Okay. Well, it will be - the awards will be varied in the manner sought with an operative date of the first full pay period on or after 28 September 2004 and the decision and orders will be issued in due course. The Commission is adjourned.

**ADJOURNED INDEFINITELY**