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TRANSCRIPT OF PROCEEDINGS

O/N 1309

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER J.P. McALPINE

T No 11765 of 2004

RETAIL PHARMACY AWARD

**Application pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the Association of Professional Engineers,
Scientists and Managers, Australia to vary the
above award re pay rates (students and trainees)**

HOBART

10.30 AM, WEDNESDAY, 3 NOVEMBER 2004

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

HEARING COMMENCED

[10.30am]

PN1

MR D. PYRKE: I appear on behalf of the Association of Professional Engineers, Scientists and Managers, Australia.

PN2

MR R. KORN: I appear on behalf of the Pharmacy Guild of Australia.

PN3

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

PN4

THE COMMISSIONER: Thank you. Right, who is going to take us away?

PN5

MR PYRKE: Yes, thank you, Commissioner. Sir, in making this application my association seeks to finalise an adjustment to the relativities and wage rates for pharmacy trainees and students that was sent in train in matter T11178 of 2003. The rates that we are seeking are set out in the draft order that was attached to our application. Can you confirm that you have a copy please?

PN6

THE COMMISSIONER: Yes.

PN7

MR PYRKE: Thank you. To give you the background you need to make a decision on our application I would like to lead and take you through the decision in the earlier case if the Commission pleases?

PN8

THE COMMISSIONER: Please, yes. We have seen a copy of that haven't we?

PN9

THE COMMISSIONER: Yes.

PN10

THE COMMISSIONER: I will put this down as A1. Right?

EXHIBIT #A1 DRAFT ORDER

PN11

MR PYRKE: Thank you, Commissioner. Sir, if I could ask you to consider paragraph 2 of the decision. You will note that a key outcome in matter T11178 was the insertion of a new four-level structure for students and a two-level structure for trainees along with increased pay rates. At paragraph 3 you can see that these changes were justified by reference to the wage fixing principles, in particular to principle 9 Work Value, Work Value Changes and principle 10 First Award and Extension to Existing Award. From a reading of

paragraph 4 you can see that changes to the Retail Pharmacy Award were consistent with changes to the Federal Community Pharmacy Award as set out in print number N7370.

PN12

Paragraph 6 reproduces the text of an exhibit that summarises the work value changes upon which the changes to relativities and pay rates were justified. Without going into the full detail the changes include an increase in the length of the undergraduate course for pharmacy students; the introduction of the Quality Care Pharmacy Program and changes to the duties undertaken by pharmacy students. Sir, paragraph 7 sets out the relativities that were the subject of the earlier application and paragraph 8 records the parties' intention that the pay increases will be phasing in over 11 months with the second instalment being the subject of a separate application.

PN13

Moving now to technical matters I can report that I have discussed the present application with the employer parties and received indications of consent. I can also submit that the application is consistent with the wage fixation principles and the public interest. On the basis of this submission I believe that it is open to you to grant the application if you share this view and ask that you do so with the - issue an order with effect from today's date. If the Commission pleases.

PN14

THE COMMISSIONER: Thank you. Mr Korn, any comment? You don't have to.

PN15

MR KORN: No.

PN16

MR PYRKE: Sir, Mr Korn has been thrown in the deep end. It would probably be best if we heard from Mr Gozzi first.

PN17

THE COMMISSIONER: Okay, Mr Gozzi?

PN18

MR GOZZI: Thank you, Commissioner. The TCCI is here to support the variation of the Retail Pharmacy Award under section 23 of the Industrial Relations Act. The variation is in relation to the student and trainee wage rates consistent with the previous decision of Deputy President Watling of T11178 of 2003 and is the second instalment in the process. We believe the agreement up for approval is not contrary to the current wage fixing principles and is consistent with the public interest of the Act. Furthermore we consent to the variation of these awards.

PN19

THE COMMISSIONER: Okay. Don't want to say anything?

PN20

MR KORN: No.

PN21

THE COMMISSIONER: Fair enough. Okay, just on the draft if you have a copy of it. So it is the first pay period from 1 November?

PN22

MR PYRKE: I think we discussed it is really from today's date.

PN23

THE COMMISSIONER: That probably would be the first pay period anyway wouldn't it?

PN24

MR PYRKE: Yes.

PN25

THE COMMISSIONER: Today's date is fine by me. Today's date?

PN26

MR PYRKE: Yes.

PN27

THE COMMISSIONER: Okay, today's date. Now, also in this if you look under item 1 Wage Rates, "First year; second year; third year; fourth year; first and second half apprentices," they are all asterisked and the asterisk:

PN28

At the conclusion of the relativity process the base rate following will be base rate 417.2 which is equalled to 100 per cent relativity.

PN29

Well, now that that has been reached do we take those - that out?

PN30

MR PYRKE: That is how I have drafted the draft order, sir, yes.

PN31

THE COMMISSIONER: It is different from the one I have got. Okay. All right. So if you are comfortable with that, I am. Yes, look this is just ongoing from the previous one. Obviously just a continuation of the process, so I am comfortable to approve this as of today. No other comments? Everybody happy?

PN32

MR PYRKE: Yes.

PN33

THE COMMISSIONER: Okay, I will adjourn. Thank you very much.

ADJOURNED INDEFINITELY

[10.40am]

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