IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T. No. 96 and 99 of 1985

IN THE MATTER OF Tasmanian Public Service Association and the Tasmanian Trades and Labor Council

re 2.6% Increase to Nominated Awards

(National Wage Case)

FULL BENCH

PRESIDENT
DEPUTY PRESIDENT
COMMISSIONER WATLING

HOBART, 1 April 1985

TRANSCRIPT OF PROCEEDINGS

PRESIDENT: Appearances, thank you.

MR. LENNON: If the Commission pleases, **LENNON, P.A.**, appearing on behalf of the Tasmanian Trades and Labor Council.

PRESIDENT: Thank you Mr. Lennon.

MR. HUXTABLE: If the Commission pleases, Mr. President, **HUXTABLE, M.R.**, for the Tasmanian Public Service Association.

PRESIDENT: Thank you Mr. Huxtable.

MR. PATERSON: May it please the Full Commission, **PATERSON, M.I.**, for the Salaried Medical Practitioners Society.

PRESIDENT: Thank you Mr. Paterson.

MR. PEARCE: May it please the Commission, **PEARCE, A.**, representing the Minister on behalf of the Crown in these proceedings.

PRESIDENT: Thank you Mr. Pearce.

MR. WESTWOOD: If the Commission pleases, my name is **WESTWOOD, F.D.** I appear for the controlling authorities under the Public Service Act and under this Act. I also seek to explain to the Bench that the Council of Advanced Education as a controlling authority will not be represented formally here today but I have been contacted by telephone and asked to put to you their apologies and to indicate that the submissions of the other authorities will be adopted by the Council.

PRESIDENT: Thank you Mr. Westwood.

MR. ABEY: If the Commission pleases I appear for the Tasmanian Chamber of Industries and the Metal Industries Association of Tasmania, **ABEY, T.J.** With me appears Mr. **W. FITZGERALD.**

PRESIDENT: Thank you Mr. Abey.

The Commission has also received apologies from the representative of

PRESIDENT: the A.P.E.A. and also from Mr. Butler, representing the Federated Liquor and Allied Industries Association.

MR. SMITH: If the Commission pleases, I appear for the Master Builders Association of Tasmania. **SMITH, A.J.**

PRESIDENT: Thank you Mr. Smith.

MR. CLEGG: If the Commission pleases, I appear for the Australian Mines and Metals Association Incorporated. **CLEGG, R.**

PRESIDENT: Thank you Mr. Clegg.

MR. SIMMONDS: If the Commission pleases, **J. SIMMONDS,** for the Hospital Employees Federation of Australia (Tasmanian Branch No. 2).

PRESIDENT: Thank you Mr. Simmonds.

MR. O'BRIEN: If the Commission pleases, my name is **O'BRIEN.** I appear for the Federated Miscellaneous Workers Union.

PRESIDENT: Thank you Mr. O'Brien.

Yes, thank you, Mr. Lennon.

MR. LENNON: Thank you Mr. President.

I might indicate from the outset that the Tasmanian Trades and Labor Council in pursuance of a flow on from the Federal decision is representing all the unions affiliated with the Tasmanian Trades and Labor Council as well as those unions not affiliated.

The application lodged by us has the support of the total trade union movement within Tasmania.

Our application results from the recent decision of the Federal Conciliation and Arbitration Commission, who, in their decision of 6 April, indicated that they would be increasing wages and salaries in Federal awards by 2.6 per cent.

MR. LENNON: At this stage, Mr. President, I would like to amend our claim slightly in that as well as indicating that they would be moving wage rates by 2.6 per cent they also amended the Preamble to Principle 9 and I have here a document indicating our claim.

PRESIDENT: I think that we will mark this as an exhibit to be included as part of your application, Mr. Lennon. It will be Exhibit L.1.

MR. LENNON: I might indicate, Mr. President, that I have had discussions with both the Tasmanian Chamber of Industries, representing employers and the Government representatives, who have indicated that they do not oppose the additional claim sought by us - and that is to have the Preamble to Principle 9 changed to that wording which is in fact the same wording that the Federal Commission accepted, with respect to the Preamble to Principle 9 under the Federal Conciliation and Arbitration.

With respect to the rest of our claim, there are some minor amendments that we do seek. First of all, that with respect to that part of the claim which deals to private sector awards, there are some awards in the private sector which are expressed as a total wage and we would seek that those awards that are expressed as a total wage be increased by 2.6 per cent.

We would request that the decision to increase awards, if that is your decision, by 2.6 per cent be operative from the first pay period on or after the 6 April, 1985.

We would request that the Leading Hand rates in the private sector, if they are to be increased by 2.6 per cent, be rounded off to the nearest 10 cents.

That the tool allowance be increased by 2.6 per cent and rounded off to the nearest 10 cents.

MR. LENNON: That the shift allowance, where expressed in money terms, be increased by 2.6 per cent and rounded off to the nearest cent.

That the meal allowance in those awards containing a meal allowance or, as in some awards, expressed as tea money, be increased by 2.6 per cent and rounded off to the nearest 10 cents.

With respect to public sector awards, we would request that all appropriate allowances that are increased by 2.6 per cent be rounded off to the nearest 10 cents.

PRESIDENT: Nearest 10 cents did you say?

MR. LENNON: Yes. As I understand, in practice that has been adopted in the past.

PRESIDENT: There are other allowances that are expressed in fractional parts of cents, Mr. Lennon. They are, in the appropriate cases, rounded off to the nearest 1 cent or in some cases I believe it is 5 cents. I take it you would seek no alteration to the previous practice.

MR. LENNON: Well, the information that I received was, as I have indicated, that we would seek no alteration to the traditional practices.

PRESIDENT: Yes.

MR. LENNON: Turning to the private sector awards again, Mr. President, there is one exemption sought with respect to wages and salaries and I have an amended list for the private sector which I will pass up to you now. It excludes sections I, II and III from the Building Trades Award, which traditionally followed a direct nexus in national wage movements as others with their Federal award.

PRESIDENT: Exhibit L.2.

MR. LENNON: You will notice on that Exhibit, Mr. President, that the Plumbers Industrial Board Award has been

MR. LENNON: included. We also seek, at the request of their union, to have the Plumbers Award exempted as well.

PRESIDENT: Do I take it Mr. Lennon that those awards identified in Exhibit L.2. are those to be varied with the exception of the building trade sections IV, V, VI and VII?

MR. LENNON: I have just been advised at this stage, Mr. President, that we would seek to have section VI of the building trades exempted as well. So we would seek to have exempted from the building trades, sections I, II, III and VI.

PRESIDENT: I see.

MR. LENNON: We would seek to have the Plumbers Industrial Board Award exempted as well.

PRESIDENT: That is the Plumbers Board to be exempt in toto?

MR. LENNON: Yes.

Turning to the tool allowance. Mr. President, we would seek to have exempted from the tool allowance the Building Trades Award, the Monumental Masons and the Plumbers. I have an exhibit here which should assist the Commission.

PRESIDENT: That will be Exhibit L.3.

MR. LENNON: Finally, Mr. President, if I can turn to the meal allowance or where it is expressed as tea money in private sector awards, we would seek to have the Building Trades and the Plumbers, in those sections indicated, exempted and with respect to the Hospital Industrial Board Award, which traditionally follows the Public Hospitals determination in the public sector, we would seek to ensure that that nexus is maintained with respect to the Hospitals Industrial Award.

Again I have an exhibit here which should assist the Commission.

MR. LENNON: You will notice in this exhibit, Mr. President, that the Hospitals Industrial Board Award is not listed but we would seek to have that position I have indicated to you, followed.

PRESIDENT: Exhibit L.4.

MR. LENNON: With respect to public sector awards, Mr. President, we do not seek to amend our claim or alter it from the initial application.

With respect to allowances generally, Mr. President, in the private sector, we would seek the indulgence of the Commission as to the calling of a conference of the parties as soon as possible following your decision with respect to our initial claim so as we can have a discussion with relation to general allowances in the private sector awards that fall into line with the Principles and would generally flow with national wage increases. It has not been possible for us to detail exactly all the allowances in the total private sector awards that should be flowed by national wage decisions and we believe it would be proper for the Commission to call a conference of the parties as soon as possible in order that we may be able to try and get some agreement as to those allowances which would traditionally follow national wage increases.

As to the general claims for the private and public sector awards, I have had discussions with the Tasmanian Chamber of Industries and with the Government representative, both of whom have indicated to me that they do not oppose the claim. With respect to the Tasmanian Government, I think we are all mindful of the statements made by them at the National Wage Case on the mainland, also newspaper reports and also with respect to the Tasmanian Chamber of Industries (the discussions I have had with them) lead me to believe that they do not intend to oppose the claim.

MR. LENNON: That being the case, Mr. President, I do not intend to indulge in a general economic argument in support of our claim but nevertheless indicate to you that the economy in total was subject to the closest scrutiny by the Full Bench of the Conciliation and Arbitration Commission in their deliberations and they were persuaded to the decision by the encouraging signs of the relevant economic indicators. It is pertinent to observe, Mr. President, that the Tasmanian economy is holding pace with the mainland States, as the most recent employment figures would indicate. They indicate that the Tasmanian unemployment is the second lowest in Australia with 8.9 per cent, which was compared with a Tasmanian unemployment rate of 9.8 per cent twelve months ago.

Certainly the unemployment figures in this State would indicate that the policies of the Federal Government are beginning to show fruit and bear fruit in Tasmania.

Given that there is no apparent opposition to the claim, Mr. President, and in line with the Principles inherent in this Commission, and that is that the Authority will vary wages and salaries every six months in relation to the last two quarterly movements unless it is persuaded to the contrary by those seeking to oppose the adjustment, the only thing left, in our view, for the Commission to consider is the public interest.

I would simply like to refer you briefly to the public interest and indicate that Mr. Pamplin certainly, when he made the decision with respect to the private sector on the last occasion, did make the comment in his decision that he believed it was in the public interest for the Principles to remain in operation for their full life of two years. We certainly share Mr. Pamplin's comments and we would indicate that

MR. LENNON: the Principles require a two-pronged commitment. Firstly, that employees would be compensated through increases in wages and salaries for movements in the C.P.I. each six months unless exceptional and compelling circumstances can be demonstrated by the employers to persuade the Commission otherwise.

In light of the Conciliation and Arbitration decision, a decision not to grant the flow-on to Tasmanian workers covered by State awards would most certainly place the Principles in serious jeopardy. A decision not to grant the claim therefore would not be in the public interest.

The trade union movement, for its part, was asked to give a no extra claims commitment and certainly we believe that that no extra claims commitment has been adhered to and therefore our expectations for the rise should be realised.

We do express, however, some concern at the Conciliation and Arbitration decision and that is their decision not to flow-on the full effect of the movements in the C.P.I. As I am sure everybody here would be aware the full C.P.I. for the last two quarters was 2.7 per cent but nevertheless the Commission determined to award 2.6 per cent, thereby discounting from the previous two quarters.

We would simply indicate that if the Commissions generally are to continue to discount the C.P.I. movements in such ways, then those actions will inevitably lead to undue pressure being placed upon the Principles and the systems generally.

Certainly from rank and file trade union members' points of view - they see it that the prices of essential household goods are continuing to rise - and largely unchecked - and certainly from our point of view, we have made some comments on the prices surveillance authority and we

MR. LENNON: understand that this Commission has no real effect on that but nevertheless the membership of trade unions do see the prices of essential goods rising, largely unchecked. That pressure builds up and finally it could lead to an uneasiness in the work place. We believe that it is inherent in Commissions to ensure that the economy and to ensure that the work place generally goes along a smooth passage. Certainly decisions to discount national wage increases can only put undue pressure on Principles and systems that we believe have operated fairly effectively in this country for the last two years.

We would hope that we could see a situation where discounted decisions do not become the norm and rather, remain the exception, as has happened to date.

At this stage, Mr. President, I do not want to indicate any more than simply to say that we would ask that any decision that you would make in this matter be given urgent priority by your Commission.

Thank you.

PRESIDENT: Yes, Mr. Lennon, before you resume your seat, would you tell us what has been custom and practice with respect to agreements ratified under the authority of the previous industrial tribunal?

MR. LENNON: With respect to what, Mr. President?

PRESIDENT: National wage decisions.

MR. LENNON: Well -

PRESIDENT: You have not mentioned them in your application.

MR. LENNON: With respect to previous decisions where there has been agreement and no opposition we simply believe that the Commission -

PRESIDENT: No, sorry, you have misunderstood me.

PRESIDENT: Registered agreements, Mr. Lennon, of which I understand there are a number that have been brought across under this Act as if they were agreements of this Commission, is it part of your overall application that they too benefit by any decision of this Commission, in the event we were moved to grant the claim as drawn?

MR. LENNON: Yes.

PRESIDENT: Mr. Lennon, would it be the view of the Trades and Labor Council that this might be an opportune moment to affect consequential changes to the titles of the public sector awards by deleting the words "Industrial Board" where appearing? Or would you wish to further consider that proposition?

MR. LENNON: If you are saying to me, Mr. President, that we simply alter the names of awards to delete the words "Industrial Board" where they appear, I do not believe the trade union movement would oppose that.

PRESIDENT: I was not putting it any higher than that, Mr. Lennon. It seemed to me that in the event the Commission was moved to do something on these applications, it would mean that all awards were under consideration and that would be an excellent opportunity to affect any consequential changes flowing from the proclamation of the Act under which we now operate.

Yes, thank you.

DEPUTY PRESIDENT: Mr. Lennon, just before you get comfortable, I have a question in relation to your suggested conference to follow this hearing to deal, as I understand it, with private sector awards. I do not quite understand what the role of that conference would be.

MR. LENNON: What we are suggesting is that such a conference should be aimed at isolating allowances in private sector awards which would traditionally follow national wage

MR. LENNON: increases. At the moment we isolate our claim to four or five allowances but are aware that there are a number of other allowances in private sector awards - as there are a number of allowances in public sector awards - that traditionally are dealt with by and follow national wage cases and yet are not part of our application. The reason they are not part of our application is that it is a lengthy exercise to isolate those allowances and that would have meant delaying the application and delaying any decision that the Commission may wish to make. So the role that we would see would be to isolate those allowances with representatives from all sides so that they could be part of future applications to speed up the process.

DEPUTY PRESIDENT: Yes. But presumably such a conference could not or would not attempt to do any more than implement a decision of this Full Bench. It would not be seeking to have a second bite at the cherry, to use the colloquialism?

MR. LENNON: No, we would accept that in this instance separate applications would need to be made in the separate awards to have the allowances flow but we believe it is appropriate at this stage for the whole question of allowances in the private sector awards to be dealt with so that in similar applications they can be handled in the same way as the public sector allowances.

DEPUTY PRESIDENT: As a consequential move following a decision emanating from this hearing.

MR. LENNON: Yes, that is right. We sought to have the conference following your decision.

DEPUTY PRESIDENT: Thank you.

MR. HUXTABLE: Mr. President, if the Commission pleases, the application by the Tasmanian Public Service Association seeks a flow-on of the national wage

MR. HUXTABLE: decision of the 3 April, 1985, which is contained in F8100 issued by the Conciliation and Arbitration Commission.

The T.P.S.A. is an applicant with the T.T.L.C. to seek a flow-on of the national wage decision in the public sector. I would advise you that the T.P.S.A. supports the submissions made by the Secretary of the T.T.L.C.

Sir, this Commission advised in January this year that it had adopted the principles of wage determination which had been adopted by its predecessors. These principles had been enunciated by the Full Bench of the Australian Commission in September 1983.

My organization, along with others, gave the requisite commitment at the time when it was required by the various jurisdictions to obtain increases in accord with the national wage. So this application, Sir, seeks an adjustment of salaries and allowances in accordance with Principle 1 of 2.6 per cent and Sir, I would also seek to modify the Preamble to Principle 9 as was proposed by Mr. Lennon, with his amendment. I would seek, Sir, to verbally amend my application to so provide for that modification of the Preamble to Principle 9 "allowances" because I believe that this would then accord with the decision of the National Wage Bench.

Thank you, Sir.

PRESIDENT: Yes, on the assumption there is no objection to the application to amend that application to amend is granted, Mr. Huxtable.

Mr. Huxtable, I do not raise with you the same question regarding title of Public Service Association Awards because I am aware that, among other considerations, it is already the subject of an application before the Commission.

MR. HUXTABLE: That is correct, Mr. President.

PRESIDENT: Thank you.

MR. HUXTABLE: Thank you, Sir.

PRESIDENT: Mr. Paterson.

MR. PATERSON: Thank you, Sir.

May it please the Full Commission, my submissions will be brief on behalf of the Salaried Medical Practitioners Society, Sir. I support the submissions of my colleagues, in so far as they effect the Medical Practitioners Principal Award, the Public Service General Conditions of Service Award and the Award of the Hospitals Industrial Board, for a flow-on in those awards of the Federal national wage case decision as espoused in the print referred to by my friend from the P.S.A., print F 8100.

It is the belief of the Society that when the current system of wage fixation and the current Principles were first handed down in 1983, the Full Bench at page 22 of that decision, indicated that:

> 'We have reached our conclusions both as to amount and as to principles in the hope and expectation that State tribunals will find themselves able to accept the substance in what we have done for the period for which we have done it.'

It is our submission, Sir, that that principle should continue to apply and that this Bench should adopt the decision of the Federal National Wage Bench in the context of that decision and that there be an increase in salaries and allowances of 2.6 per cent with the same operative date, Sir.

PRESIDENT: Thank you.

Mr. Paterson, is the organization for

PRESIDENT: for whom you appear today registered in relation to the Hospitals Industrial Board?

MR. PATERSON: It has sought registration for that award. It does not currently have provisional registration for it, Sir.

PRESIDENT: Thank you, Mr. Paterson.

Yes, Mr. Simmonds.

MR. SIMMONDS: If the Commission pleases, Mr. President, I will be very brief in respect to the matters. I support the submissions that have come from those who have preceded me and just draw your attention specifically to those matters that Mr. Lennon referred to in relation to what is currently called the Award of the Hospitals Industrial Board. You will see by reference to Part 1 of that Award that there are certain allowances contained in that Part even though most allowances are contained in Part II - the conditions section of the award. They have been inserted there for ease of alteration under these circumstances.

The specific ones that I refer to are: tool allowance, certificate and diploma allowance and remote call allowance. There is one other that we would seek to be altered and that is what is called the 'foul and nauseous linen allowance', which will be altered, I would presume, by your decision. If there is to be an increase in the Hospital Employees (Public Hospitals) Award and it is the same allowance, the same considerations would apply and we would seek alteration of that.

I would just say, in passing, too, that there is implicit in what I am saying, an acceptance that certain other matters will be altered too. They are the charges for board and lodging and for meals, which would also be applying. So it is not just the one way process.

PRESIDENT: I take it from that, Mr. Simmonds, you, whilst supporting Mr. Lennon's proposition of there being a conference to discuss among other things application of any favourable decision to certain allowances, you nonetheless believe that some allowances, including those that you have referred to, ought to be changed as a direct consequence of any decision this Bench might be disposed to make granting the claim?

MR. SIMMONDS: Yes, Sir, that is correct but only to the extent that similar allowances in the Hospital Employees (Public Hospitals) Award are changed.

PRESIDENT: Yes.

MR. SIMMONDS: I make the point that there are costs to us as well as benefits in that it affects the board and lodging and meal charges. It has been traditional that they be altered. It has not always happened because of perhaps clerical mistakes or something but generally speaking they have been altered in the Hospitals Industrial Board Award in the past, in particular those in Part I of the Hospitals Industrial Board Award.

PRESIDENT: And would that also go to meal charges, Mr. Simmonds?

MR. SIMMONDS: Yes, it does. There are specific clauses. If I can just draw your attention to Part 1 of the Hospitals Industrial Board Award - it has 6 clauses in section 1 - wage rates for adults; wage rates for juniors; board and lodging; tool allowance; certificate and diploma allowance and remote call allowance. They are the ones that are specified in that section and they have been there for that purpose because they would be varied more often than those in Part II of the Award. I am also seeking that the foul and nauseous linen be treated in the same way on this occasion.

It is purely trying to short-circuit a problem that we have had in the

MR. SIMMONDS: past. I would still see the conference having an impact on the Hospitals Industrial Board Award (or whatever it is called) because there are a series of other allowances that we would seek to discuss. However, we do not press those matters here today.

If the Commission pleases.

PRESIDENT: Thank you, Mr. Simmonds.

MR. O'BRIEN: If the Commission pleases, I will be very brief. I would just indicate we support the submissions as made. Some of our concerns have been addressed by the amendments to the claim which were put to you this morning by Mr. Lennon. So I would just indicate that we support the claim as it is made and ask that the orders as sought be granted.

PRESIDENT: Thank you, Mr. O'Brien.

Now Mr. Pearce.

MR. PEARCE: I apologize for seeming to be hasty a little earlier.

If it please the Commission. The submission for the Minister on behalf of the Crown will, subject to requirements of the Bench, be brief.

First and foremost, the Government does not oppose the flow-on of the national wage case decision of 2.6 per cent to wages, salaries and relevant allowances contained in all awards of this jurisdiction.

The attitude of the Government on this occasion is consistent with the views expressed before the Full Bench of the National Wage Case from whence this 2.6 per cent decision emanated. That decision was taken in the context of the Principles of wage fixation as enunciated by that Commission on 23 September, 1983, and subsequently adopted by this authority in January of this year.

MR. PEARCE: The attitude of the Government to the Principles has consistently been one of acceptance of decisions arising therefrom whilst albeit not always necessarily being in agreement with such decisions. However, we believe on this occasion that for reasons that have already been publicly expressed by the Minister for Industrial Relations, that awards of the authority should be varied to accommodate the increases sought by the applicants.

On the question of the change to the Preamble to Principle 9, on the question of allowances, the variation to the Principles to enable anomalous and inequitious matters relating to allowances to be dealt with under Principle 6 was contained in the National Wage Decision of 3 April.

The Government, in that hearing, opposed the variation of the Principles to provide for that arrangement. Our opposition was on the grounds that the Principles were adopted and implemented prima facie for a period of two years and it was not considered appropriate to so vary during their expected life, particularly, in light of the Review of Principles Conference, which is to take place prior to September of this year. Further, our opposition was predicated on the basis of the definitive statement of the President when he indicated during the course of an anomalies hearing that allowances hitherto would not be subject to consideration under the anomalies and inequities procedure.

However, that decision of the Commission is accepted, somewhat reluctantly by the Government, and therefore we would be seen as appropriate to vary the Principles of this Commission so as to reflect that part of the decision.

If it please the Commission.

PRESIDENT: Thank you, Mr. Pearce.
Mr. Abey.

MR. ABEY: Thank you Mr. President, Mr. Deputy President and Mr. Commissioner.

The applications before us represent a claim which if put into effect will increase the wages bill for employers subject to Awards of this Commission by an amount of $43 million per annum or a matter of in that order.

As a consequence it is not a claim to which the Tasmanian Chamber of Industries consents to lightly.

The T.C.I. opposed the application through the C.A.I. when it came before the Full Bench of the Commonwealth Commission.

This opposition was based on what we saw as being fundamentally sound economic reasons in that whilst it is recognized that a recovery - an economic recovery - to some extent has occurred there has been a marked slow down in that economic recovery and indeed it is in grave danger of petering out altogether.

It was contended before the Full Bench that the recovery had been partial and uneven and its continuance was far from assured.

We believe that those submissions that were put to the Full Bench of the Commonwealth Commission were fundamentally sound and it is to our regret they were not adopted by the Full Bench.

MR. ABEY: We consent to this application today not because we believe that to grant the 2.6 per cent increase would represent the better economic decision, but because we consider it to be unrealistic or industrially unrealistic to create a situation whereby approximately half the workforce would enjoy a 2.6 per cent wage increase and the other half would be denied.

We indicate our consent on this occasion is limited to this occasion and should not be viewed as any precedent so far as future hearings are concerned.

We will continue to take each case on its merits.

The Commission will be aware that in the Commonwealth matter the C.A.I. argued that any wage increase which might flow should not be extended to junior employees.

That application was unsuccessful in itself although the Full Bench did make an observation that it would be appropriate for individual Awards to examine the question of junior rates if such an application was made.

We are in a similar position. We do not on this occasion oppose the flow of the 2.6 per cent to junior employees but we would ask that this Commission make the observation in similar terms of that of the Federal Commission.

MR. ABEY: That is it may well be appropriate to examine the question of junior rates on an Award by Award approach.

I turn now to the question of exemptions which has been raised by Mr. Lennon and I have one or two observations to make.

Dealing first with the Plumbers Award we would oppose a blanket exemption for that Award.

There is no sound reason why it should be exempted.

There is a section which is related to a Federal counterpart Award. We would not oppose the exemption of that particular section of the Award.

The remaining sections going to Sheetmetal Workers and Clerical employees et cetera, there is simply no sound reason why that should be exempted from the decision of this Commission.

Secondly, in respect to the Monumental Masons Award it would be our submission that that Award not be exempted in any respect.

That is an Award of this Commission. It has no particular overriding nexus with any Federal counterparts which would demand a situation that they be exempted, and we ask they be included in the application.

MR. ABEY: I turn now to the question of allowances.

The application before you from the T.T.L.C. seeks to increase certain nominated allowances by 2.6 per cent.

There is not an application before you which seeks to increase other allowances of the private sector Awards.

Mr. Lennon has not sought to amend his application and so we simply say that is all that is before this Commission.

The question of allowances is a vexed question. From the T.C.I. point of view we consider it to be inappropriate to be adjusting allowances on a six monthly basis.

None the less we are not going to go to the wall on that particular issue given the situation which applies across the country.

We are opposed to a blanket decision which seeks to increase allowances throughout the private sector Awards apart from those which have been nominated in the application.

Mr. Lennon has suggested that a conference be convened with a view of identifying those allowances which may well be varied in some manner and we would be pleased to participate in such a conference on a without prejudice basis.

It would not in our respectful submission be a conference dealing with a consequential

MR. ABEY: administrative process as I believe was implied in the question from the Deputy President.

It is quite simply a separate matter.

As far as the change to the anomalies conference procedure we do not object to that change.

Mr. President that is all I wish to say on the details of the application. Subject to hearing the views of the other parties which are before you today we would support the submission of Mr. Lennon - that a decision in relation to this matter be given at the earliest possible opportunity.

Indeed given the fact that it would appear that there is no opposition as such to the application it may well be possible for the Full Bench to give an indication that the application in principle is approved of and that reasons for decisions will be issued at a later date.

That is our submission. It is a matter of course which is in the hands of the Commission.

That would conclude our submission.

PRESIDENT: Mr. Abey do you raise any objection to consequential deletion of reference to the word "Boards" from those private industry Awards that have come across?

JR - 15.4.85 PRESIDENT - ABEY - SUB

MR. ABEY: I wholeheartedly support the suggestion Mr. President.

PRESIDENT: Thank you Mr. Abey.

Mr. Westwood?

MR. WESTWOOD: If it pleases the Commission the controlling authorities which I represent offer no objection to the applications from the Trades and Labour Council and the Public Service Association.

We do however wish to put on record some comments in relation to the vexed problem of allowances.

That is, that it should be clear that only those allowances which have been customarily varied in the appropriate jurisdictions in the past should be varied on this occasion.

As Mr. Simmonds quite rightly pointed out there is also the question of those charges and deductions which are provided for in Awards which have been customarily indexed and they should also be processed in a like manner.

The recreation leave allowance provisions that exist in various public sector Awards in our submission should not be varied on this occasion as it has been customarily the case that they be varied in the latter part of the year.

JR - 15.4.85 ABEY - SUB
WESTWOOD - SUB

MR. WESTWOOD: That should occur on this occasion also.

I would also like to put on record for the information of the Bench and perhaps for the information of the Public Service Association that one of the Awards listed in their application - the Racing Directorate Staff Award - is of no further relevance and ought to be deleted from the list.

I understand the sole person covered by that Award, is required under the Act which creates his position, to be excluded from the Public Service Act and he is in fact a contract employee.

PRESIDENT: Is that a recent occurrence?

MR. WESTWOOD: It was June last year that the Act was amended.

If the Commission pleases, that concludes the very brief submissions of the controlling authorities in consenting to the applications.

PRESIDENT: Mr. Westwood the $43 million referred to by Mr. Abey - included or excluded the cost to the public sector?

MR. WESTWOOD: I do not know how Mr. Abey has calculated those figures?

MR. ABEY: If I may assist Mr. President it is a "ball park" figure and it does include the public sector as I see it.

JR - 15.4.85 PRESIDENT - WESTWOOD - SUB

PRESIDENT: The public sector would be of the order of $10 million, would it not Mr. Westwood - on your earlier figures in another place?

MR. WESTWOOD: Well again it is a very much "ball park" figure. It is becoming very difficult to work out just who is covered by what Award at the moment in the public sector.

From very broad estimates which we performed rather quickly last week - on the basis that there are 30,000 employees in the State covered by this jurisdiction and on the basis that there would be an average of $10 per week increase flowing as a result of the 2.6 per cent indexation, would be looking at something in the order of $15 million per annum as a result of this decision.

That is inflation for you.

PRESIDENT: Mr. Clegg?

MR. CLEGG: Thank you Mr. President.

The Australian Mines and Metals Association know of the recent decision of the Full Bench of the Australian Conciliation and Arbitration Commission which granted the 2.6 per cent increase.

During that hearing the Association that I represent opposed any increase at all for a number of reasons and it is a position we still stand by.

JR - 15.4.85 PRESIDENT - WESTWOOD - SUB CLEGG - SUB

MR. CLEGG: However we accept that it would be unrealistic from an industrial relations point of view for this jurisdiction to hand down a decision contrary to that of the National Wage case.

In saying that, we should not be seen as supporting the T.T.L.C.'s application.

Indeed Sir we are in a position of neither opposing nor supporting the application, if the Commission pleases.

PRESIDENT: Thank you.

Mr. Smith?

MR. SMITH: If it pleases the Commission the Master Builders Association of Tasmania fully supports and endorses the sentiments expressed by Mr. Abey.

It is my intention Mr. President to address the Commission on the matter of the Building Trades Award and the Plumbing Trades Award - not in great detail as I may have otherwise done - because Mr. Lennon has sought to have Sections I, II and VI of the Building Trades Award exempted from these matters. The Plumbers Award also.

By way of qualification I would support the sentiments again expressed by Mr. Abey in that there are only relevant sections that have a moving consequence of Federal Award movements and on that basis I would support those sentiments expressed by Mr. Abey.

I would just say Sir that I have had informal discussions with at least

MR. SMITH: most of the building industry unions and they are in agreement with the proposal to have those sections of the Awards exempted from these hearings.

Very briefly, the reasons for the request are firstly, there are a number of matters that are unresolved in relation to the Building Trades Awards - Federal Awards - and it would not be appropriate at this stage to flow the 2.6 per cent because it would cause further confusion.

The other matter is that the application of the 2.6 per cent as per the application does not fit neatly with the structure of the wages in building industry rates of pay. On that basis we would ask that it be excluded from this hearing and be set down as a matter of separate application.

If the request were refused Mr. President we would say that there would be confusion in the building industry both on the part of employers and employees and it would lead to resentment and would therefore not be in the best interests of harmonious industrial relations.

If the Commission pleases, I conclude my submission.

PRESIDENT: Would deferrals or exemptions of this kind prejudice any operative date of subsequent adjustment to that Award?

MR. SMITH: No, I do not believe so Mr. President.

PRESIDENT: What is the position Federally, Mr. Smith - with respect to the counterpart Federal Award?

MR. SMITH: My understanding of the latest situation Sir is that not all applications have been received.

On that basis I am unable to answer that question.

PRESIDENT: Yes, I understand. Thank you.

MR. McDOUGALL: Mr. President I have not made application to be heard but I would like to do so now.

PRESIDENT: Your name?

MR. McDOUGALL: **McDOUGALL** is my name and I represent the Retail Traders Association.

The R.T.A. through the Australian Retailers Association oppose the increase of the Conciliation and Arbitration Commission through the C.A.I.'s application.

I would like to support Mr. Abey in saying that we accept the decision that was made but we regret that that decision was made.

We support the examination of junior rates on an Award by Award approach.

JR - 15.4.85 PRESIDENT - SMITH - SUB
PRESIDENT - McDOUGALL - SUB

MR. McDOUGALL: In general I would like to make the following comments:

As I have already stated in the Press Mr. President from a retail industry point of view any costs that we receive such as wage increases are passed on. There is no ability within the retail industry to be able to afford wage increases and unfortunately of course this only exacerbates the situation.

I expect we will hear from Mr. Lennon some time later because of the reflection ultimately of the C.P.I. and this is unfortunate.

One other thing that concerns us in the retail industry is the way we rely to a large degree on imported goods within our shops and stores throughout Australia.

We are already very concerned about the costs that are about to be thrown upon us with the very, very weak Australian dollar that we have at this moment. Again we are going to see, I believe, further cost increases in that area.

I am concerned of any cost increases that come forward and hit the retail industry in the way in which this has.

We are grateful of course that it was discounted from the 2.7 per cent that was put forward by the A.C.T.U.

MR. McDOUGALL: I have no other comments to make Sir, but I would like you to note those if you could Sir.

PRESIDENT: Thank you Mr. McDougall.

Mr. Lennon?

MR. LENNON: Thank you Mr. President. First of all dealing with the Plumbers Industrial Award or Plumbers Board Award - depending on where we move - we certainly would only seek to exempt the Plumbers section - the Plumbers classifications from that Award.

The rest we would expect would be part and I apologize for not making that perfectly clear in the first instance.

Turning to the tool allowance with the Monumental Masons - I have been advised by the union which operates under that Award it is tied to the tool allowance for Carpenters under the Building Award and that is the reason why it is sought to be exempted so that that nexus can be maintained.

So we would ask the Commission to exempt the tool allowance from the Monumental Masons Award for that reason.

I was interested to hear the T.C.I.'s "ball park" figures and if they can get goals up that easy I wish they would find a few footballers for Sany Bay.

PRESIDENT: Do you have a more accurate figure Mr. Lennon?

JR - 15.4.85 McDOUGALL - SUB
PRESIDENT - LENNON - FINAL SUB

MR. LENNON: We do not attempt to pluck figures out of the air Mr. President. When we come with submissions we try and back them up with reasonable argument.

Certainly on the question of junior wage rates - I was a little bit concerned to hear the comments from both the Chamber of Industries and Retailers.

My reading of the Commission's decision was that they took the view that it may be appropriate to examine them Award by Award.

The Trade Union movement - or certainly we take the view - that we are bound by principles and there are principles which reflect the way in which we can make applications and they should be equally be binding upon the employers.

Therefore if they believe there is an anomalous or an inequitous situation with relation to junior wage rates then they should be dealt with that way, and not simply by requesting the Commission to make blasé statements about examining individual Awards with respect to junior rates.

Certainly the level of junior wage rates in Awards operating in Tasmania has been the subject of the closest scrutiny in the last five or six years and we certainly would oppose any decision being made by the Commission to examine individually, Awards of this jurisdiction or this Commission

MR. LENNON: with respect to junior rates.

We believe the employers should be bound by the same rules that we are.

PRESIDENT: Thank you.

Mr. Huxtable?

MR. HUXTABLE: Thank you Mr. President. If the Commission pleases I support the remarks made by my colleague Mr. Lennon with regard to the various submissions made by the employers.

With respect to the submission from the Government - it is pleasing to see that the Government still maintains adherence to the centralized system and does not oppose the application.

With respect to the controlling authorities I have a similar sentiment.

With regard to certain comments that fell from Mr. Westwood with respect to allowances I would agree that only those customarily varied should be varied on this occasion as has been the practice in the public sector Awards.

With respect to recreation leave allowance I would not oppose his suggestion. Certainly it is open for me to make an application at the appropriate time and as is customarily in the later part of the year.

MR. HUXTABLE: With respect to the Racing Directorate Staff Award I have had a discussion with Mr. Westwood concerning this matter.

I believe that the person who is in fact or was classified by the Award is now on a contract which is varied as a result of the Heads of Department Award. So I have no objection to the deletion of that particular Award from the application, if the Commission pleases.

Thank you.

Mr. Paterson?

MR. PATERSON: I have no further submissions to make Sir.

PRESIDENT: Before concluding these proceedings - Mr. Lennon we would simply ask you to flag the question of whether or not this Commission should, following an application or applications lodged in that regard, consider doing something about those Awards which are expressed in terms of basic wage and margins bearing in mind that it is the one authority now and that we do have some Awards that express wage and salary rates in terms of total wages and others in terms of basic wage and margins.

This is not necessarily the appropriate time but it is a convenient time we would agree since we have you here in a captive situation.

PRESIDENT: Perhaps you might consider what I have said Mr. Lennon and perhaps discuss it with your colleagues and advise the Commission in due course of any decision to which you might come.

MR. LENNON: Certainly Mr. President. The Trades and Labour Council has no view at this stage in respect of what you are indicating as to whether or not all Awards should go to a total wage but I will certainly take the matter up with the unions and advise you.

PRESIDENT: Yes. Thank you.

Do you wish to comment on the last proposition, Mr. Abey?

MR. ABEY: Yes, Mr. President.

We have mixed feelings on the concept. As such we believe that it is not a matter which should exercise the Commission's attention on this occasion.

It does not form part of Mr. Lennon's application and I think it would be frankly quite wrong for the Commission to take it on board at this late stage when there are a large number of organizations which would have an interest in the particular question.

I think it is a concept which is certainly worth exploring and may be the time between now and if there is any subsequent national wage increases would be the time to

MR. ABEY: explore that properly in full consultation with both our constituents.

We would be strongly opposed to any suggestion that the matter be changed as part of this particular hearing.

PRESIDENT: Thank you Mr. Abey.

We will reserve our decision.

DECISION RESERVED