



TASMANIA

*Tasmanian Industrial Commission*

Industrial Relations Act 1984

T No. 10326 of 2002

**IN THE MATTER OF** an application by  
the ALHMWU to vary the Hotels, Resorts,  
Hospitality and Motels Award

Re: deletion of subclause 1 – Minimum  
Wage from Division A of Clause 8, and  
subclause 1 – Minimum Wage from  
Division B of Clause 8 of the award, and  
insert in Division A and Division B of  
Clause 8 a new subclause providing for a  
minimum wage of \$431.40 per week.

DEPUTY PRESIDENT WATLING

HOBART, 2 AUGUST 2002

**TRANSCRIPT OF PROCEEDINGS**

**UNEDITED**

**(WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY)**  
**(ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS)**

**HEARING COMMENCED 9.00am**

DEPUTY PRESIDENT: I'll take appearances in this matter.

5 **MR TULLGREN:** Yes, if the Commission pleases. My name is Tullgren and I appear for the applicant, the Australian Liquor, Hospitality and Miscellaneous Workers Union – Tasmanian Branch.

**MR MAZENGARB:** Paul Mazengarb for the Tasmanian Chamber of Commerce and Industry Limited, if the Commission pleases.

DEPUTY PRESIDENT: Mr Tullgren?

10 MR TULLGREN: Yes, if your Honour pleases. This is an application to delete the existing minimum wage clause which appears twice in the award, once in Division A and once in Division B, and to insert into  
15 the Award the new minimum wage clause that has been determined by the Commission. This application arises out of the conferences that have been called by the Commission in relation to matters arising out of the State Wage Case and it simply seeks, as we said, to insert the new minimum wage clause decision.

DEPUTY PRESIDENT: Now, just refresh my memory, does this Award to have the 17 and a half percent?

MR TULLGREN: I think it does. I don't have my files ...

20 DEPUTY PRESIDENT: Yes – so it's not a matter of now the annual leave loading becoming the new minimum wage?

MR TULLGREN: No.

DEPUTY PRESIDENT: No. Good, thank you.

25 MR MAZENGARB: Mr Deputy President, I can advise that the Tasmanian Chamber of Commerce and Industry Limited has no objection to this application. Our understanding is that the 17 and a half percent loading is reflected as a separate clause under the annual leave clause. We would submit that an operative date should be from the date of the decision, if the Commission pleases.

30 DEPUTY PRESIDENT: Good, thank you. I can indicate that the award will be varied in the manner sought and the order will be processed at the same time as the State Wage Case decision order. And the operative date will be from today. Is there any need to have today as opposed to yesterday?

35 MR MAZENGARB: I suppose that there's not a lot of difference in one day, but there may be with regard to consistency into the future.

DEPUTY PRESIDENT: The only thing is that the other one is the first full pay period on or after the first of August, which means it wouldn't

40 be probably until next week some time. If this was the first full pay period on or after the second of August, it's probably the same day.

MR MAZENGARB: It may be. But certainly from the TCCI's perspective we would rather see the date of the decision being the operative date.

45 DEPUTY PRESIDENT: So that concludes this matter and the operative date will be the first full pay period on or after today's date. Thank you.

**HEARING ADJOURNED 9.10AM**