

HEARING RECOMMENCED 11.00am

COMMISSIONER: I'll take appearances.

MR I. PATERSON: If the commission pleases, IAN PATERSON
appearing for Australian Municipal Administrative, Clerical and
5 Services Union.

COMMISSIONER: Thanks, Mr Paterson.

MR D. DILGER: If it pleases the commission, O'NEILL J., appearing
for the Tasmanian Chamber of Commerce and Industry Limited.

COMMISSIONER: Thanks, Mr O'Neill. Yes, Mr Paterson?

10 MR PATERSON: If the commission pleases, I asked for this matter to
be brought back on probably as much as anything to update yourself
as to the progress that the parties have been able to achieve to date
with this particular matter. It is actively being pursued. I have
provided the chamber with a reformatted version of the award which,
15 allowing for typos and the like and maybe further matters that will
need to be attended to, re-formats the award in the style advocated in
the proceedings before the president in the award review conference as
well as a proposal for a classification structure which is based on the
twinning, if you like, of the generic clerical and administrative
20 classifications together with an inclusion of a new section of skill
requirements based on legal skill requirements.

These legal skill requirements have been drawn from the training
package which is still under development in relation to this particular
matter - this industry. It will be based on competency standards that
25 are in the business services training package which has a legal stream.
My understanding at this point in time is that those standards have
finally gone to the Australian National Training Authority for
endorsement. I haven't had the opportunity to look closely at whether
there is any variation against the latest document that I used in
30 preparing these draft classifications, but I don't believe there are any
substantial changes.

I have held discussions not only with the TCCI but also with the Law
Society and hopefully these proceedings will not see any clash of
interest between the employers as represented by the TCCI and the
35 interests of the Law Society which I believe may have in the past been
one of the obstacles to progressing this matter some five or so years
ago.

I would like to certainly hear from Mr O'Neill as to the progress from
his side, but at the end of these proceedings today I would like to be
40 able to have a date in my diary for the next stage of report-back and I'd
like to think that we could do that at a time when the consultative

phase against the union's draft had been considered and that we could look to some substantive movement by that time.

5 There were a couple of matters which we have addressed which go beyond the existing award and that are outside of the classifications issue, in particular, I believe a disputes and grievance procedure. And there was one other matter - let me just quickly look at my correspondence. Maybe that was the substantive issue.

10 Yes. No, that was right, that was the main other issue. There are other things in our proposal that will require mention further on. I mean I think there are provisions in the existing award that I believe are discriminatory, which I would be proposing be removed from the award in this draft, in the existing award. I believe there are exemptions which are age-based exemptions and we'd be proposing to remove those from the award.

15 The exemptions in particular are a person without - clause 16, I believe is that the current award says the award shall not apply to a person without previous experience commencing work after age 58 and a male over 65 or a female over 60; certainly wouldn't believe that it's appropriate for an award to set a mandatory retirement age by virtue of making those people award-free. But we will return to that issue, I presume, at a later stage.

We'd like to hear from Mr Dilger and I don't have any further submissions to make to you at this stage, commissioner.

COMMISSIONER: Mr O'Neill, it was.

25 MR PATERSON: Mr O'Neill, I'm sorry.

COMMISSIONER: Yes, Mr O'Neill?

30 MR O'NEILL: Thank you, sir. Yes, there has been some progress from the employer's perspective. We are currently consulting with the Law Society at this stage over the proposed reformatted award. I see them as two issues, one being the reformatting of the award and the other is obviously the ASU proposal for the new classification and salary structure that goes with that to be inserted in that award.

35 From the employers perspective, there are not at this stage too many concerns regarding the award review process. There has been an exchange of letters between myself and Mr Paterson regarding the grievance - or the disputes resolution provision that we're proposing to be inserted in that award.

40 We do require more time to consult because as we indicated, we are working with the Law Society but it still hasn't been determined as to how either we or they are going to get this award out to the wider audience, if I could use that term.

5 In respect of the classification and salary structure, there are some concerns there and I will state that on the record this morning that obviously coming on top of the State Wage Case that it is going to impose a further cost and that is something that has to be considered and worked through.

I think at this stage that's all I have to formally report but I'm happy to go off the record and discuss a further report back. If it pleases the commission.

10 COMMISSIONER: Yes, thanks, Mr O'Neill. All right, we will go off the record thanks.

OFF RECORD 11.07am

ON RECORD 11.13am

15 COMMISSIONER: Thank you, gentlemen. It seems to me that the matter is in the hands of the parties. I was talking off the record about a second hearing or second date proposal but it seems to me it's better left in the hands of the parties. So we will set down the resumption of this hearing for 10.30am, Thursday, 16 September, and that will be a report-back hearing.

20 And I just make the point for the parties that there's another matter set down - I've said 10.30, maybe, Mr O'Neill, if you're doing this one and Mr Dilger is doing the other one you might agree to come a bit later but I wouldn't like to finish one early and then be hanging around waiting for the next one, that's the point. Is that all right with you, Mr Paterson?

25 MR PATERSON: I'm happy with that thank you, commissioner.

COMMISSIONER: Mr O'Neill?

MR O'NEILL: Yes, thank you.

COMMISSIONER: Thank you, gentlemen. This matter is adjourned.

HEARING ADJOURNED 11.14am