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TRANSCRIPT OF PROCEEDINGS

O/N 0351

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT P.C. SHELLEY

T No T11443 of 2004

PUBLIC VEHICLES AWARD

**Application 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 award re wage
rates - 3rd MRA**

HOBART

10.30 AM, THURSDAY, 22 APRIL 2004

PN1

THE DEPUTY PRESIDENT: I will take appearances, please?

PN2

MR I. PATERSON: I appear for the Australian Municipal Administrative Clerical and Services Union.

PN3

MR M. WATSON: I appear on behalf of the Tasmanian Chamber of Commerce and Industry and congratulations on your appointment, Deputy President.

PN4

THE DEPUTY PRESIDENT: Thank you. Mr Paterson?

PN5

MR PATERSON: Thank you, Commissioner - it is going to take a while, thank you, Deputy President. This matter arises from the subsequent implementation of an MRA process that was initiated in T10458/2002. This is the third minimum rates adjustment. I have prepared the order on the basis of the document that was tabled in those proceedings, that was ASU3, adjusted for the current safety net. There are two other comments that I would make in this context. In the previous orders we had a - effectively a savings paragraph for - it followed the - it was the paragraph that preceded - followed the grade 5 Driver Extended Tour and it said it provided:

PN6

That an employee engaged in the capacity of Loader/Freight Receiver by an omnibus proprietor or a service car proprietor shall be paid as follows:

PN7

That disappears from this order as the MRA outcome overtakes that previous rate at this point in time. On the operative dates we had agreed with the TCCI and when I checked transcript it is on the transcript in the original hearing, at paragraph 135. At 135 we agreed on effectively April and May - April and - the original application was varied - the original MRA was from April - an April date, so we agreed on April and November dates. They are not strictly six months apart and my confusion on that matter led to this application being a couple of weeks later than I had intended so we seek the order to be effective the first full pay period commencing on or after today's date.

PN8

THE DEPUTY PRESIDENT: Not 18 April?

PN9

MR PATERSON: Not 18 April, no. We are happy to accept that. I believe that the calculations and the numbers appearing in the application are correct and I submit to you that this be approved by the Commission on the basis that it is consistent with the previous matters before the Commission and consistent with the previous wage fixing principles as they relate to minimum rates adjustments. Thank you, Deputy President.

PN10

THE DEPUTY PRESIDENT: Thank you. Mr Watson?

PN11

MR WATSON: Thank you, Deputy President. The application before you is a consent matter in accordance with the original schedule of minimum rates adjustments agreed to back in April last year. We have checked the calculations and they are in accordance with that original schedule of rates, save and except for the adjustment of the safety net that has occurred since and on that basis we advise that we are in agreement with Mr Paterson's order, together with the operative date of the first full pay period on or after today's date. If it pleases.

PN12

THE DEPUTY PRESIDENT: Thank you. Well, I indicate to the parties that the award will be varied in the manner sought with an operative date of the first full pay period on or after 24 April 2004 and I note that both parties have said that you have checked the calculations and they are correct but in an abundance of caution we shall check them yet again and so it is approved subject to any errors and omissions and if we find any we will consult with both parties before making any changes.

PN13

MR WATSON: That format, Deputy President, must go with Deputy Presidents because that was a famous quote of Deputy President Johnson so maybe when you become a Deputy President it is an abundance of caution.

PN14

THE DEPUTY PRESIDENT: Oh no, I will never say it again.

PN15

MR PATERSON: And just on that matter, I haven't got the hearing notice and is today's date is the?

PN16

MR WATSON: Twenty second.

PN17

MR PATERSON: Twenty second. Did you say on or after the 24th or the 22nd?

PN18

THE DEPUTY PRESIDENT: Did I say the 24th? It is the 22nd, which is what I thought I said - - -

PN19

MR PATERSON: It might be my ears.

PN20

THE DEPUTY PRESIDENT: - - - even Deputy Presidents are subject to errors and omissions. Thank you, the matter is adjourned.

ADJOURNED INDEFINITELY

[10.40am]