



TASMANIA

Tasmanian Industrial Commission

Industrial Relations Act 1984

T No. 10340 of 2002

IN THE MATTER OF an application by
the Australian Municipal,
Administrative, Clerical and Services
Union to vary the Estate Agents Award

Re: Clause 3 – Arrangement, Clause 7 –
Definitions, Clause 8 – Wage Rates and
Clause 9 – Annual Leave

DEPUTY PRESIDENT WATLING

HOBART, 8 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 9.15AM

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

MR ROLLINS: If it pleases the Commission, Richard Rollins for the Tasmanian Chamber of Commerce and Industry Limited.

5 **MR PATERSON:** If it pleases, Deputy President, Ian Paterson appearing for the Australian Municipal, Administrative, Clerical and Services Union.

DEPUTY PRESIDENT: Thank you. Mr Rollins?

10 MR ROLLINS: Thank you, Deputy President. This is an application to vary the Estate Agents Award. I'll just run through the variations that we are seeking today. The first one is to delete clause 8 Wage Rates, Division B, subclause a, and insert the following as set out on the application. It's basically amending the weekly – of the base rate and the weekly wage for the real estate sales consultant auctioneer
15 property manager and manager classification, bringing the rate in line with the minimum wage just so this award fits in with the recent State Wage Case decision of the Commission.

DEPUTY PRESIDENT: The actual figure there, I just – that 413, that's what's in the Award now, is it?

20 MR ROLLINS: \$413 is the current amount in the Award.

DEPUTY PRESIDENT: Yes. And then we'll have to add the safety net?

MR ROLLINS: That's correct - 413.40 and then the safety net to 431.40 in line with the State Wage Case.

25 Also, the classification in real estate trainee has been removed as an obsolete classification and that's in line with the introduction of the national training wage as the more appropriate vehicle to employ trainees.

30 The second part is to once again to delete from clause 7 – Definitions, subclause a the words "Real Estate Sales Trainee" in line with my above comments.

35 Point 3 is to remove all references to real estate sales people and sales people and replace it with real estate sales consultant, sales consultant respectively. So we've got uniformity there across the board in what we call sales consultants and ...

DEPUTY PRESIDENT: So it's consistency of terminology.

MR ROLLINS: That's right. And that's the next point as well, remove all reference to salesmen and replace with the non gender specific sales consultants.

40 Finally, the last change is to delete the following wording from clause 3
– Arrangement and the wording which appears between clause 8 –
Wage Rates and clause 9 – Annual Leave, conditions for employees in
Division A all classifications including clerks, rent collectors and
45 trainee valuers excluding salesmen and managers and insert in lieu
thereof:

“Conditions for employees in Division A all classifications other
than sales consultants and managers.”

And, once again, that’s just an issue of consistency throughout the
Award and we’d seek an operative date from today’s date, 8th of the
50 seventh.

DEPUTY PRESIDENT: Mr Paterson?

MR PATERSON: I can indicate the union consents to this
application. The only issue that I was going to raise you yourself have
raised and that goes to the adjustment of the wage rate and I suppose
55 in effect also the operative date. The operative date issued for the
wage may need to be prior to the first of August, such that it clearly
does get the safety net subsequent to this variation. But so long as
the – well, the issue will be that the order encompassing the safety net
will be effective on the first full pay period on or after the first of
60 August. The Wage Case decision part of it, the \$18, so I’d suggest that
the operative date may need to be prior to the first of August.

MR ROLLINS: Yes, I see the technical point there in regards to the
impact the State Wage Case will have on the change that we’ve done.

DEPUTY PRESIDENT: Would it be easier to make it all from the first
65 of August?

MR ROLLINS: Yes, make the operative date the first of August and it
brings it in line so that we can all make the change all at that one
date.

DEPUTY PRESIDENT: Keep in mind a lot of those headings aren’t
70 going to affect anything really, other than create uniformity in the
Award. So, we’re looking at the same operative date as the State Wage
case. Thank you. Anything else, Mr Paterson. I can indicate to the
parties that I’m going to approve the amendments sought and the
order will, for this matter, will go out at the same time as the State
75 Wage Case decision order.

HEARING ADJOURNED 9.23AM