

**HEARING RECOMMENCED 10.44am**

COMMISSIONER: I'll take appearances.

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

COMMISSIONER: Thank you, Mr Paterson.

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

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

10 MR PATERSON: If the commission pleases, this matter in one sense  
is certainly one of the more straight forward restructurings in that it  
involves only a single stream of classifications and only one union  
party to the award, however, the matter has been protracted. The  
15 difficulty is that the employer parties are endeavouring to facilitate  
discussions with the Law Society. We are keen to see those  
discussions take place because we believe it's important to the  
outcome of the restructuring.

The full documentation of the proposal has been provided to the  
parties but at this stage there doesn't seem to have been much in the  
20 way of progress on the matter.

Again, I'm seeking the commission's advice and assistance on the  
manner by which these formal proceedings can be expedited and  
perhaps a degree of urgency put under the process. If the commission  
pleases.

25 COMMISSIONER: Have you got any suggestions, Mr Paterson?

MR PATERSON: I think probably the only thing I can suggest is a  
fairly definitive schedule of a time frame for the proceedings to take  
place and may be the locking in place of dates might be the best way  
to do that.

30 I guess that's open to us at any stage to ask for the matter to be heard  
and determined and I guess the issue - the issue is complex in that  
there doesn't seem to be a clear overall picture of what the nature of  
the industry currently is. It's my belief that particularly at the higher  
classifications - I think it's Law Clerk Grade 3 in the award which  
35 tends to be the positions known as legal secretary, that most would be  
at or above the rates that we are in fact proposing.

So the issue of the cost impact which then becomes quite relevant in  
the timing of the MRAs is a bit of an unknown.

Whether there might be some option for the commission to, at the next hearing of this matter, either as conference or in hearing, to require the Law Society to attend the proceedings, may assist.

5 Given the history of this and given the dilemmas that have come up over the years I'm not of a mind at this point in time to charge on and try and force the issue in a formal sense without at least creating the opportunities for the industry to be consulted.

COMMISSIONER: But wouldn't this matter have been raised consequent to our last hearing?

10 MR PATERSON: Well I can't advise on what discussions have taken place between the TCCI and the Law Society. Mr O'Neill would need to do that.

COMMISSIONER: So to put it simply, we are in the same position as we were last time?

15 MR PATERSON: Unless Mr O'Neill can advise of any developments or changes in their position.

COMMISSIONER: All right, thanks Mr Paterson. Mr O'Neill?

MR O'NEILL: Thank you, sir. Unfortunately we are no further advanced, as you alluded to. I did in fact, following the hearing on the  
20 18 August, write to the Law Society indicating to them what had occurred and what needed to happen to progress the matter. I did receive a response from them dated 6 September but that response was simply a response to my letter advising that they were consulting with their wider membership.

25 COMMISSIONER: And what do you think, Mr O'Neill, is a reasonable time about this, at least to get the thing moving, shall we say?

MR O'NEILL: As I indicated to you last time on the record, essentially we've got two things here. We've got the award review, and as far as  
30 I'm concerned that's fairly cut and dried, and there's going to be no concerns there.

The second issue is the classification structure. There are some concerns there in that we really need to get a handle on the cost impost because there is going to be one, quite clearly, from the preliminary work that Mr Paterson has given me. And we need to  
35 satisfy ourselves, that is the chamber, that we are not sort of - on top of the State Wage Case - that we are not just agreeing to further increases without properly consulting not only our membership but the wider legal community.

COMMISSIONER: Yes, thanks for that, Mr O'Neill. Perhaps if we go  
40 off the record for a minute.

**OFF RECORD 10.50am**

**HEARING RESUMED 11.00am**

5 COMMISSIONER: Thank you for those discussions, gentlemen. This matter will be adjourned and I'd ask you, Mr O'Neill, to communicate with your principals, shall we say, that the commission and the union - and yourself I presume - are anxious to progress this matter and without being too direct, if we don't hear anything within four weeks we are likely to proceed without them, which is not good.

Is that acceptable, Mr Paterson?

10 MR PATERSON: Thank you, commissioner.

COMMISSIONER: Mr O'Neill?

MR O'NEILL: Yes, I understand, thank you.

15 COMMISSIONER: Thank you gentlemen, I look forward to you having some positive discussions and I hope you are able to have them before I come back into it.

Thank you, this matter is adjourned.

**HEARING ADJOURNED SINE DIE 11.02am**