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TRANSCRIPT OF PROCEEDINGS

O/N 9646

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER ABEY

T No 10991 of 2003

PASMINCO ROSEBERY (MINING) AWARD

**Application pursuant to the provisions of
section 23 of the Industrial Relations Act 1984
by the Australian Workers Union, Tasmania Branch
to vary the above award to increase rates of pay
from 1 August 2003 in accordance with T10886/03,
T10887/03, T10927/03 and T10928/03**

HOBART

10.00 AM, FRIDAY, 8 AUGUST 2003

HEARING COMMENCED

[10.12am]

PN1

MR R. FLANAGAN: I appear on behalf of the Australian Workers Union, Tasmania Branch.

PN2

MR P. BAKER: I appear on behalf of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union.

PN3

MR W.J. FITZGERALD: I appear on behalf of Pasminco.

PN4

THE COMMISSIONER: Yes, Mr Flanagan?

PN5

MR FLANAGAN: Thank you, Commissioner. Commissioner, as I have now indicated to you in T10990 of 2003 earlier this morning, this application seeks to give effect to the recent State wage case and also to ensure that the awards are in line with the other awards of this Commission and in the future can be subject to any general applications which the Commission may seek to exercise. What I would seek to do is tender a draft order in the proceedings.

PN6

THE COMMISSIONER: Yes, I will mark that AWU1.

EXHIBIT #AWU1 DRAFT ORDER

PN7

MR FLANAGAN: Now, Commissioner, I need to indicate that the AWU will need to provide a further amended draft order. There are some oversights in AWU1 but I will take you through it and identify what those amendments will be and the effect of what is before you. In variation number 1 the rates of pay are increased to reflect the State wage case and we have one classification, a miner underground, which has received an increase of \$15 per week because that rate of pay was in excess of the \$731.80. The remainder of the rates were below the 731.80 and therefore attracted an increase in the safety net adjustment of \$17 per week.

PN8

In variation - in addition to that the supported wage was increased to \$60 per week in accordance with the State wage case. In variation number 2 the allowances have been increased - that is the work-related allowances - by 3.24 per cent. Again, that is in accordance with the Commission's determination that existing allowances relating to work conditions be increased by 3.24 per cent. I need to indicate, however, that we have included in that variation a variation to the tool allowance. I understand Mr FitzGerald is of the view that the tool allowance is an expense-based allowance therefore that allowance will be removed from the amended schedule.

PN9

I also need to indicate that the amended schedule will also contain a variation to the minimum wage an oversight in that schedule. I would simply submit, Commissioner, that the variation in rates of pay is in accordance with the State wage case as are the allowances. I would also indicate that the union is seeking an operative date of 1 August. We would submit that given that that date does not predate the date of application the Commission is authorised to do that. We would say simply that the application is in accordance with the wage-fixing principles, does not offend the public interest and therefore the Commission ought to approve the application. If it pleases the Commission.

PN10

THE COMMISSIONER: Yes, thank you, Mr Flanagan. Mr Baker, do you support this application?

PN11

MR BAKER: Yes, sir, consistent with the submissions that have been put forward by Mr Flanagan I would ask that the award be varied in the terms as sought by the organisation.

PN12

THE COMMISSIONER: Yes. Presumably, Mr Flanagan, does Pasmenco Rosebery operate under a 55?

PN13

MR FLANAGAN: Yes. The Pasmenco Rosebery workforce does operate under a section 55 and as a consequence there will be no cost impact by the application.

PN14

THE COMMISSIONER: Thank you. Mr FitzGerald?

PN15

MR FITZGERALD: Thank you, Commissioner. Yes, again I would support, subject to receipt of a further draft incorporating those changes and I just wasn't sure whether it was made clear to the Commission that the set up as per the AWU, exhibit AWU1, needs to be changed because it reflects an old set up which includes supplementary payments, so some adjustments there. The total figure of weekly wage rate is in fact the correct rate, it just needs to be varied in accordance with the current format in the award, but subject to the receipt of those we would again have no objection to the order being sought including the operative date, if it pleases.

PN16

THE COMMISSIONER: Yes.

PN17

MR FLANAGAN: If I can just clarify that, Commissioner? What had occurred earlier this year was that the base rate column and the supplementary column had been added together to have one column called Base Rate and the unions erred in not structuring it that way and the amended draft will reflect that alteration.

PN18

THE COMMISSIONER: Yes. In the circumstances I am satisfied that the application is consistent with both the wage-fixing principles and the public interest requirements of the Act. The award will be varied to reflect the amended order as subsequently submitted operative from the beginning of the first pay period on or after 1 August 2003. I will issue a formal decision in both matters to reflect this decision. However, my inclination is to consolidate both awards as they seem overdue and that may take some little time so the formal decision will go out without an order in all likelihood and the consolidated award will follow in due course. On that basis the Commission stands adjourned.

ADJOURNED INDEFINITELY

[10.21am]

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LIST OF WITNESSES, EXHIBITS AND MFIs

EXHIBIT #AWU1 DRAFT ORDER.....PN7