



Tasmanian Industrial Commission

Industrial Relations Act 1984

T No. **9446 of 2001**

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

Re: to give effect to the Second
Minimum Rates Adjustment in
accordance with the Wage Fixing
Principles of the Tasmanian Industrial
Commission and undertakings given in
T7906 of 1998

COMMISSIONER SHELLEY

HOBART, 30 March 2001

TRANSCRIPT OF PROCEEDINGS

Unedited

**(WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY)
(ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS)**

HEARING COMMENCED 10.34am

COMMISSIONER: I'll take appearances, please.

MR I. PATERSON: If the commission pleases, IAN PATERSON, appearing for the applicant union.

5 COMMISSIONER: Thank you.

MR R. FLANAGAN: If it pleases the commission, FLANAGAN R., for the Australian Workers Union, Tasmania Branch.

COMMISSIONER: Thank you, Mr Flanagan.

10 **MR R. ROLLINS:** May it please the commission, RICHARD ROLLINS, for the Tasmanian Chamber of Commerce and Industry.

COMMISSIONER: Thank you. I don't believe I've met you before. Welcome. Mr Paterson?

15 MR PATERSON: If the commission pleases, I'd like to pass up a copy of ASU.4, which was tendered in evidence in T7906 of 1998 and I seek to have that re-tendered or tendered in these proceedings.

COMMISSIONER: **EXHIBIT P.1.** Is that the same as the attachment to the application?

20 MR PATERSON: The format probably varies slightly and there is one mistake in the attachment to the application. It is the intent that it is the same. If I can take you to Part III - Wage Rates and Related Matters, Clause 1 - Wage Rates and down to level 3. In the supplementary payments A column, a '2' has crept into the supplementary payment. It should be corrected to be '\$36.10', I believe.

25 COMMISSIONER: Right.

30 MR PATERSON: I'd seek leave to amend the application to do that and I also have had my attention drawn to the fact that in the statement of particulars the award is called the 'Porduce Award'. That's a typing mistake of my origination. I formally seek leave to amend the application to correct those two typographic mistakes.

COMMISSIONER: Is there any objection to the application to amend?

MR FLANAGAN: No objection.

MR ROLLINS: No.

COMMISSIONER: That is granted, Mr Paterson.

MR PATERSON: If the commission pleases, this is a continuation of the outcome of a previous matter giving effect to minimum rates adjustments in accordance with the Wage Fixing Principles of the commission. It was, as I say, previously dealt with in respect of T7906 of 1998, Deputy President Watling's decision of 6 October 2000 and in those proceedings the parties committed to the application for the second and third minimum rates adjustment. This is the second minimum rates adjustment.

COMMISSIONER: Are there just the three?

MR PATERSON: There's just three. It was because of delays in the proceedings and the protracted and difficult nature of restructuring, quite a complex award in terms of the way it had previously been structured for classifications and divisions. The parties agreed that the minimum rates adjustments would be in three adjustments, each six months apart and that was the undertakings given in the proceedings before Deputy President Watling. As I say, this gives effect to that.

The operative date sought is the first full pay period commencing on or after 3 April 2001.

I submit that it's in accordance with the principles, processes and procedures of the commission and it complies with the requirements of the Act. I believe it is a consent position and I'd seek that the commission approve the variation sought.

COMMISSIONER: Thank you. Mr Flanagan?

MR FLANAGAN: Thank you, commissioner. Commissioner, we support and endorse the comments which have been made by Mr Paterson in relation to this application. As he indicated, P.1 is in fact ASU.4 in matter 7906 of 1998 and in those proceedings in ASU.4, it had been agreed between the parties that the second minimum rates adjustment would take effect from the first full pay period commencing on or after 3 April 2001.

In those circumstances, we'd also be seeking an operative date of the first full pay period on or after 3 April 2001 and likewise seek that the commission give effect to the understanding between the parties which was placed on the record on previous occasions. If it pleases the commission.

COMMISSIONER: Thank you. Mr Rollins?

MR ROLLINS: We agree to the variation of the Produce Award to give effect to the second minimum rates adjustment in accordance with the Wage Fixing Principles of the Tasmanian Industrial Commission.

COMMISSIONER: Thank you. We will actually check the calculations again, although I've no doubt that they're correct

I indicate to the parties that subject to the correction of any errors or omissions, the variation to the award that's sought will be granted with the operative date being the first full pay period on or after 3 April 2001 and a decision and order will be issued to that effect.

5 **HEARING CONCLUDED 10.40am**