

HEARING COMMENCED 10.45am

COMMISSIONER: I'll take appearances, please.

5 **MR G.G. COURTNEY:** If the commission pleases, COURTNEY, G.G., for the Australasian Meat Industry Employees Union, Tasmanian Branch.

COMMISSIONER: Thank you.

10 **MR T.J. EDWARDS:** If it please the commissioner, EDWARDS, T.J. I appear for the Tasmanian Chamber of Commerce and Industry Limited. Whilst I'm on my feet, commissioner, might I apologise to the commission and to Mr Courtney for my late arrival. There seems to have been some administrative breakdown within our organisation and I apologise sincerely for that.

COMMISSIONER: I understand. Have you had time to talk the matters over between yourselves?

15 **MR COURTNEY:** Yes, we have, commissioner, at this stage. Mr Edwards has just pointed out, there was one clarification of a Level 5 rate of our application and I will actually submit the original proposal to you but we will actually have some in-depth discussions after the hearing and hopefully clarify that point.

20 **COMMISSIONER:** Right.

MR EDWARDS: That's as I understand it, commissioner. Perhaps if I may just elaborate. I've taken a call on my mobile phone on the way up here just a moment ago and Mr Cameron has indicated to me that there appears to be some small discrepancy on one of the numbers in
25 the draft order. That being the case, what we would seek from the commission is the opportunity just to finalise the draft order between the parties, which we would do today, if I could get Mr Courtney to speak direct with Mr Cameron.

COMMISSIONER: Yes.

30 **MR EDWARDS:** But we would still be consenting to the application of the fourth and final MRA. The question of the actual numbers is a factual one, it's not one where there's any discretion to any of the parties or indeed, to the commission. It's simply a question of the factual application of the parties' original agreement. If it please.

35 **COMMISSIONER:** Right. Thank you. Mr Courtney, do you want to lead off?

MR COURTNEY: I'll just give you this exhibit now, commissioner.

COMMISSIONER: **EXHIBIT C.1.** Do you want to speak to this application?

MR COURTNEY: I think at this stage it's quite self-explanatory, commissioner. It is the fourth and last minimum rates adjustment and we'd like to put it into place from tomorrow. I think the TCCI is of the same opinion, which Mr Edwards has just actually clarified. Further to that point, I've got nothing else to actually discuss at this point, commissioner.

COMMISSIONER: Thank you. Mr Edwards?

MR EDWARDS: Thank you, commissioner. Just briefly, the submissions of the TCCI would be that this application is for the fourth and final MRA in this award, which is a process put in place by the parties with the assistance of the commission, as I understand it, some considerable time ago.

The application is in fact an extension of the structural efficiency principle of the commission which sees the alignment of rates in the award, both within the award and external to the award, on a comparison basis where the ratios of the wage rates are determined against awards generally, not only in this commission but also external to this commission so that the relativities set are consistent throughout the Commonwealth.

This application sees the finalisation of that process in this award. As such, our submissions would be that the application is consistent with the Wage Fixing Principles of the commission, in addition to which we would submit that the application, in our view, is not contrary to the public interest. In fact, because it relies on the structural efficiency principle, it would be our submission that it is directly consistent with the public interest.

Commissioner, as I indicated a moment ago and has been reinforced by Mr Courtney, the TCCI unfortunately, because of the administrative muck-up within our own organisation, are not in a position to offer outright consent to the numbers in the draft order at the moment. Mr Cameron has indicated to me that he has a small difference of opinion with Mr Courtney over the meat industry employee Level 5 rate.

COMMISSIONER: Is that in relation to the rates in the application -

MR EDWARDS: It could be, commissioner.

COMMISSIONER: Because if it is, this document that's been tendered rectifies that which is in the application.

MR EDWARDS: That may well explain it because just looking at what Mr Cameron gave me on the way up compared to what Mr Courtney has in his draft order, there appears to be two rates that are

different. The first is, the Level 2 rate, and you may be able to help me here, commissioner, because I don't have a copy of the application.

COMMISSIONER: The Level 2 rate and the Level 5 were in error.

5 MR EDWARDS: Okay, in which case, I think, if I can just check then with the commission again. The Level 2 rate was out by 10 cents. It was originally \$432.10. It's now 20?

COMMISSIONER: Yes.

MR EDWARDS: And Level 5 was originally \$487.80. It's now \$486.10?

10 COMMISSIONER: That's right.

MR EDWARDS: In which case, commissioner, I take it all back and I can now consent to the numbers that are shown in the draft order, that's directly consistent with the information Mr Cameron provided to me by telephone.

15 COMMISSIONER: Right. I am very familiar with the rates in the draft order.

MR EDWARDS: Thank you, commissioner. Commissioner, I also just note as I quickly scan down the draft order at subclause (ii) -
20 Minimum Wage, that we're still showing the split rate arising from the State Wage Case decision and I just wonder whether or not this would be an opportunity to print that in its final form alone, without the phasing. I don't take a big point on that. It just seems an opportunity to tidy up.

25 COMMISSIONER: I must say, I did have on the agenda to ask that question along with the other question and that was, whether or not this award should be consolidated or, b) how far were we away with the restructured awards in the new format because if we were very close to the new format, then we wouldn't worry about -

MR EDWARDS: That would be an agenda where the commission
30 would have me very much on the back foot, commissioner. Could I perhaps just clarify that almost immediately following the proceedings. I'll discuss that with Mr Cameron. As the commission may be aware, Mr Cameron is working largely from home these days and as a consequence will have more time for finalising issues like the
35 restructuring of awards and it's something that has been given a reasonably high priority within his revised duties.

As a consequence, it may well be that it's further advanced than I would otherwise imagine. I understand and I think Mr Courtney has provided a draft to Mr Cameron of the revised award in reformatted

style and therefore we would be hopeful to finalise it fairly quickly but if I can perhaps just clarify that for you, sir.

COMMISSIONER: But in any case, Mr Courtney, you're happy if we just show the minimum wage as just one rate in subclause (ii)?

5 MR COURTNEY: Yes. I haven't got a problem with that, commissioner, at this stage. I think what Mr Edwards has actually pointed out is, there's really no point in actually double dipping as far that's concerned and if we actually can put it in a simplified term, by all means I would agree.

10 COMMISSIONER: All right.

MR EDWARDS: In which case, commissioner, I can indicate that we consent to the application and the operative date that's been proposed. I do that on my understanding that 3 March would be in conformity with the original agreement of the parties.

15 COMMISSIONER: Yes. I take it we're talking about the first full pay period on or after the 3rd March?

MR EDWARDS: Yes. That's as shown on the draft order. I'm sorry, commissioner, I took that for granted. We would have no further submissions.

20 COMMISSIONER: Right. Thank you. That concludes this matter and I'll hand down a decision in due course. The variation to the award will be operative from the first full pay period to commence on or after 3 March. Thank you.

HEARING CONCLUDED