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**TRANSCRIPT OF PROCEEDINGS**

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O/N 9794

**TASMANIAN INDUSTRIAL COMMISSION**

**DEPUTY PRESIDENT R.J. WATLING**

**T No 11019 of 2003**

**HAIRDRESSING, HEALTH AND BEAUTY INDUSTRY AWARD**

**Application pursuant to the provisions of  
section 23 of the Industrial Relations Act 1984  
by the Shop, Distributive and Allied Employees  
Association, Tasmanian Branch to vary the above  
award in accordance with the State Wage Case  
July 2003**

**HOBART**

**10.30 AM, WEDNESDAY, 1 OCTOBER 2003**

**Continued from 26.8.03**

## HEARING COMMENCED

[10.30am]

PN25

MR P. GRIFFIN: I appear on behalf of the Shop Distributive and Allied Employees Association, Tasmania Branch.

PN26

MS J. THOMAS: I appear for the tasmanian Chamber of Commerce and Industry Limited.

PN27

MR T. STEVEN: I appear on behalf of the Hairdressing Federation of Tasmania.

PN28

THE DEPUTY PRESIDENT: Thank you. Mr Griffin?

PN29

MR GRIFFIN: Good, thank you, Mr Deputy President. As has been stated this application is to increase wages in line with the State Wage Case of July this year which includes meal allowance, which is to be increased to \$12.30; insertion of the reasonable hours clause and any wage-related allowances to be increased by 3.24 per cent which in this case I don't believe there are any. In respect of that, Mr Deputy President, I would like to hand up a draft order in which I would intend to take the Commission through and the parties involved in respect of the amendments that have been made in respect of those issue I have spoken to. Good, thanks.

PN30

THE DEPUTY PRESIDENT: Exhibit SDA1.

### EXHIBIT #SDA1 DRAFT ORDER

PN31

MR GRIFFIN: Mr Deputy President, as you see this is a draft order and as I take you through it you will note there are some changes to what I had originally intended to put before you. That is following discussions with the parties that are present today, both today and earlier this week. Initially on the first page, which is page 2, in clause 2 wage rates, those classifications there in front of you do bring in the State Wage Case of \$17 and as you can see from hairdresser level 1, that has been increased to a total of - or the safety net increase is to \$125 and the total weekly wage rate \$542.20.

PN32

And we proceed down the classification structure to hairdresser level 2 of 563.10; hairdresser level 3, \$583.90. The handwritten - what has been put in for the salon co-ordinator and salon assistant it was my view that salon co-ordinator should be increased to 92.1 per cent. The reason for that is that part of the duties of a salon co-ordinator are retail sales. The classification structure that was set some 13 years ago did relate retail sales persons at 92.1 per cent of

the tradesman's rate and this would bring this particular award in line with all other awards that incorporates retail sales people.

PN33

The last line there, salon assistant, it was my intention to delete salon assistant from the classifications and to be covered by - as those duties were covered by salon co-ordinator and following our discussions with the other parties it is decided that that is not necessarily the way to go in this particular proceedings today and it was intended to do - and I must agree that it was intended to do that particular process some time before the end of this year which presumably will come before you before 31 December following further discussions on those two issues.

PN34

On the next page there are no changes. One thing I have omitted to mention, Mr Deputy President, is that any variations are in bold in this particular document. Page 3 there is no requirement to address any issues there. Page 4, we have before us there the classification in respect of health and beauty employees. Again I had another - it was my intention there that beauty consultant level 1 would be increased to 85 per cent, again in respect of retail sales, and also the salon co-ordinator I have changed there to 92.1 per cent.

PN35

MS THOMAS: Could I interrupt proceedings there? I do apologise. It appears in our adjustments of this order just prior to the hearing, that we omitted to reinstate the status quo as it relates to salon co-ordinator on that page and that is something we just need to correct.

PN36

THE DEPUTY PRESIDENT: Righto.

PN37

MR GRIFFIN: Thank you, Jenny, I was intending to talk to that.

PN38

THE DEPUTY PRESIDENT: So does that go back to 80 per cent, does it?

PN39

MR GRIFFIN: Yes.

PN40

MR STEVEN: Eighty-five.

PN41

THE DEPUTY PRESIDENT: No, salon co-ordinator.

PN42

MS THOMAS: Eighty-five.

PN43

MR GRIFFIN: Yes. Which goes back to 85 per cent and takes the base rate back to 354.10, Mr Deputy President, and also the total weekly wage rate, \$477.60. That base rate should be \$384.60.

PN44

MR STEVEN: 354.

PN45

MR GRIFFIN: 354, sorry, 354.60.

PN46

THE DEPUTY PRESIDENT: So let us go across it again. 85 per cent, the base rate is - - -

PN47

MR STEVEN: 354.60.

PN48

MR GRIFFIN: 354.60. Safety net adjustment is \$123 and we have a total 477.60.

PN49

THE DEPUTY PRESIDENT: Good, thank you.

PN50

MR GRIFFIN: As we go down the page, Mr Deputy President, there has been an error that has been in the award for some time and if we look at the trainee beauty therapist, which is (ii) and then subsection or subclause (2), beauty therapist, it says:

PN51

*A trainee beauty therapist will be paid a percentage of the weekly wage rate of a beauty therapist level 3.*

PN52

That should be level 2 and I have made the adjustment on this occasion.

PN53

THE DEPUTY PRESIDENT: Just the tradesperson's rate?

PN54

MR GRIFFIN: Yes. The rest of the page there is no requirement to change anything, Mr Deputy President. We then go to page 5 and we have the supported wage system whereby we do increase in that particular section - I think it goes to \$60.

PN55

THE DEPUTY PRESIDENT: In line with the decision arising at the same time as the State Wage Case?

PN56

MR GRIFFIN: That is right, yes. And that is on page 8 (iii).

PN57

THE DEPUTY PRESIDENT: And page 6 in the proviso?

PN58

MR GRIFFIN: Yes, I apologise. Yes, section C, page 6, \$60 there in the provision. In regard to the insertion of the reasonable hours clause, Mr Deputy

President, that is shown on page 9 in section 4 overtime, Sunday work and holiday work, and you will note there there is (iii) and I will just read out that particular clause:

PN59

*an employee may refuse to work overtime in circumstances where the working of such overtime ...(reads)... of his or her intention to refuse it, and (e) -*

PN60

which is on the next page -

PN61

*any other relevant matter.*

PN62

Now, that is in accordance with the State Wage Case decision which was made earlier this year, Mr Deputy President. Now, that is an insertion into that particular section or subsection which then will change, and although I haven't made them in bold, it will change the numbering of the rest of the clause. Except where we get to time off in lieu of payment and we have put a proviso in that subsection (b) which currently under the award is listed as (vii) but that is now in subsection (b) in time off in lieu of payment. You can see it is in bold and I will just read that bit out, Mr Deputy President:

PN63

*Provided that an employer shall, if requested by an employee, provide payment at the rate provided for ...(reads)... within four weeks of accrual -*

PN64

and the rest of the clause follows suite.

PN65

THE DEPUTY PRESIDENT: So you are not seeking really to introduce a new clause - - -

PN66

MR GRIFFIN: No, it is just being - - -

PN67

THE DEPUTY PRESIDENT: - - - other than to put it in the right position within the award?

PN68

MR GRIFFIN: That is right, Mr Deputy President.

PN69

THE DEPUTY PRESIDENT: Yes. It was a bit odd where it was placed in the award. It just, in fact, didn't make sense at all.

PN70

MR GRIFFIN: No. Well, it should now be in line where it does make sense.

PN71

THE DEPUTY PRESIDENT: Under time off in lieu of payment, yes.

PN72

MR GRIFFIN: That is right. That concludes the variations - - -

PN73

THE DEPUTY PRESIDENT: And the meal allowance?

PN74

MR GRIFFIN: Sorry, Mr Deputy President, yes.

PN75

THE DEPUTY PRESIDENT: That is in bold.

PN76

MR GRIFFIN: The meal allowance which is on page 9 which I had overlooked and I apologise, subsection (b) meal allowance and that is in line with what is already in the award. However, I will read out where the increase comes in:

PN77

*An employee who has worked six hours or more during ordinary time who is required to work overtime ...(reads)... or be paid \$12.30 meal money.*

PN78

Which again is in accordance with the wage case in July of this year. Mr Deputy President, that takes us to the end of the document. I believe it covers the variations as requested in our application and I would seek that the operative date be the first full pay period on or after 1 October 2003. Thank you, Mr Deputy President.

PN79

THE DEPUTY PRESIDENT: Just a couple of questions.

PN80

MR GRIFFIN: Certainly.

PN81

THE DEPUTY PRESIDENT: Are you foreshadowing that the parties will be revisiting the four classifications that is under wage rates in the hairdressing section of salon co-ordinator and salon assistant and in the health and beauty section salon co-ordinator and beauty consultant level 1?

PN82

MR GRIFFIN: Yes, we will be doing that, Mr Deputy President.

PN83

THE DEPUTY PRESIDENT: Right.

PN84

MR GRIFFIN: And that is resulting from our last - - -

PN85

THE DEPUTY PRESIDENT: What is the program for that?

PN86

MR GRIFFIN: Well, that is resulting from our last hearing which we had here several weeks ago and it was in respect of whereby the parties would meet well before the end of December this year in order to change some of the anomalies within the award and they are to be addressed, as I say, with the parties before that time. That includes salon co-ordinator, salon assistant and in the next classifications of beauty consultants being beauty consultant level 1 and salon co-ordinator in that particular structure, and the reason being is I think I led off earlier today mentioning that in accordance with other awards, in accordance with classification structures resulting from the tradesman's rate or structure that was set some years ago, retail salespersons would come in at 92.1 per cent. Now, I have agreed to have discussions with the parties in respect of how the implementation of that will be done by 31 December.

PN87

THE DEPUTY PRESIDENT: Right. So, really what you are saying is that the MRA process where you are required to establish appropriate relativities one to the other, hasn't been finalised for those four classifications?

PN88

MR GRIFFIN: No, in respect of that no, that is true, Mr Deputy President.

PN89

THE DEPUTY PRESIDENT: Because the appropriate relativities are still not  
- - -

PN90

MR GRIFFIN: Yes, are still not in line, that is right.

PN91

THE DEPUTY PRESIDENT: - - - ably lined up?

PN92

MR GRIFFIN: No.

PN93

THE DEPUTY PRESIDENT: No, righto.

PN94

MR GRIFFIN: No, there is still some further work to do on it.

PN95

THE DEPUTY PRESIDENT: So the program for that is completion by the end of December?

PN96

MR GRIFFIN: That is right, Mr Deputy President.

PN97

THE DEPUTY PRESIDENT: Right. Now, I want to have another understanding placed on record. Is it the parties understanding and yours, and I

will ask the other parties, that that means from any next national wage case decision or any State wage case decision, that this award will be varied in line with any decision that may or may not arise, I don't know, but may arise and from the same operative date; are we now finally brought back into line?

PN98

MR GRIFFIN: Well, it was always my understanding, Mr Deputy President, that on this occasion when the minimum rate adjustment process was completed every other safety net increase would fall in line with the State wage case decision. That decision, as you would well know, is 1 August, when the decision has been handed down, and it was always my understanding, and I believed at the time the parties' understanding, that following the completion of the MRA adjustment process that all safety net increases would apply from 1 August or the first full pay period on or after that.

PN99

THE DEPUTY PRESIDENT: So the next State wage case decision we are not going to get into the same argument, are we, that this is operative from 1 October and therefore if the decision comes out - says you are to have it 12 months in advance or you have got to have the previous State wage case decision for 12 months, and there is not going to be any argument about 1 October, is there

PN100

MR GRIFFIN: No. My understanding is there won't be, Mr Deputy President. That any safety net increase that is in the future put down to be 1 August this award would comply.

PN101

THE DEPUTY PRESIDENT: It would be - it would fall into line with every other award?

PN102

MR GRIFFIN: Exactly.

PN103

THE DEPUTY PRESIDENT: Righto, good.

PN104

MR GRIFFIN: And I am quite sure - - -

PN105

THE DEPUTY PRESIDENT: The other parties might address that when they put their submissions.

PN106

MR GRIFFIN: - - - on this occasion that there will be no objection from either of the parties here today, Mr Deputy President.

PN107

THE DEPUTY PRESIDENT: Righto. Good, thank you. Ms Thomas, have you a view?

PN108

MS THOMAS: Yes. We are advised to consent to the variation of the Hairdressing, Health and Beauty Industry Award in accordance with the amendments contained in exhibit SDA1 and as outlined by Mr Griffin, to operate from the first full pay period to commence on or after today's date. In terms of those matters you just sought confirmation of, I think in terms of the operative date of future State wage cases our position may have been placed on the record last time and that we stated that yes, this award will now fall into line with all other increases applicable to other State awards from whatever date is determined by the Full Bench, and in terms of the time frame for reviewing the base rate relativities and the implementation of the minimum wage into this award, we have committed to a process where we would like to see this completed by the end of the year.

PN109

THE DEPUTY PRESIDENT: Right, so the minimum wage considerations will be dealt with at the same time as you are dealing with the review on the wage relativities for the four classifications?

PN110

MS THOMAS: Yes. The finalisation of the review of these classifications will resolve the minimum wage issue as well.

PN111

THE DEPUTY PRESIDENT: Now, are the parties expecting the operative date to be before December or the application to be in the Commission by the end of December?

PN112

MS THOMAS: The application I would suggest at this stage. Obviously there will be some discussions about implementation and dates of operation and I think we are committed to meeting with the union before the end of this month - - -

PN113

MR STEVEN: 27th, yes.

PN114

MS THOMAS: - - - to begin thrashing this out. That will allow us, obviously, an opportunity to consult with our members in the mean time.

PN115

THE DEPUTY PRESIDENT: Righto. Mr Steven, have you a submission to make?

PN116

MR STEVEN: Mr Deputy President, we concur with what has been put on the table today from the SDA and the TCCI and we also concur that 1 October date will not reflect a 12 month period for the next safety net adjustment, that, we would also agree to be falling into line with all other awards. With regard to the process of further adjustments to the award it is the Hairdressing Federation of Tasmania's intention to call together what we call the industry working group which will now consist of the SDA and the TCCI and a number of other

parties to be looking at a number of issues, some of which have been mentioned here today but also working towards a more cohesive award that will reflect the training package and the implementation thereof and making sure that the industry can work within the structure that we intend to put forward.

PN117

The meeting at this stage has been called for 27 October and from that meeting we hope to have a draft order or soon after that we hope to have a draft order that we can bring to the Commission before 31 December.

PN118

THE DEPUTY PRESIDENT: Righto. No further submissions? Well, I can indicate that I will hand down a written decision in due course. It will be in favour of the application along the lines of the draft order as submitted in SDA1 and the operative date will be from the first full pay period to commence on or after 1 October. I will note in my decision that from here on in it is the parties intention to vary the award in line with future State wage case decisions and from that particular operative date that may be decided at that time and I will also note that the MRA process for the four classifications is still to continue along with consideration of the minimum wage and that you hope to have something on those issues before the Commission before the end of December. Yes?

PN119

MR GRIFFIN: Mr Deputy President, do you require me to send through to you a revised draft order in respect of those handwritten - - -

PN120

THE DEPUTY PRESIDENT: No, I am quite happy with that.

PN121

MR GRIFFIN: Which I can do.

PN122

THE DEPUTY PRESIDENT: The record should show that they have been amendments made to the draft order or the document entitled the draft order. They are handwritten but they are with the consent of the parties. Right? No other issues? That concludes this matter, thank you.

**ADJOURNED INDEFINITELY**

**[11.00am]**

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LIST OF WITNESSES, EXHIBITS AND MFIs

**EXHIBIT #SDA1 DRAFT ORDER.....PN31**