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TRANSCRIPT OF PROCEEDINGS

O/N 9917

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER P.C. SHELLEY

T No 11131 of 2003

PUBLIC VEHICLES AWARD

**Application pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the Australian Municipal, Administrative, Clerical
and Services Union to vary the above award re 2nd MRA**

HOBART

9.30 AM, TUESDAY, 18 NOVEMBER 2003

HEARING COMMENCED

[9.30am]

PN1

MR I. PATERSON: I appear for the Australian Municipal Administrative Clerical and Services Union.

PN2

MR J. O'NEILL: I appear for the Tasmanian Chamber of Commerce and Industry Limited.

PN3

THE COMMISSIONER: Thank you. Mr Paterson?

PN4

MR PATERSON: Thank you, Commissioner. I will have to ask your forbearance in this because I haven't brought with me the T number of the application that varied the award in the first place. It did result in order 1/2003 so it is that particular matter where we initiated the MRA process and the document that was tabled I believe is ASU3 in those proceedings, identified in a number of safety net variations. This is the second of those and the application that is made here today is consistent with the second MRA in that ASU3 document. However it has of course been adjusted to reflect the 2003 safety net adjustment. One other matter in this application that I draw the parties attention to is that there was a proviso - it is a proviso in the award as it currently stands which follows after the grade 5 driver extended tour.

PN5

Now, the rates in those are in fact superseded so it is only the grade 2 rate that is in fact higher than the minimum rates adjustment process, so the grade 1 reference in the current award has been deleted because that rate has been - it was previously higher and it was in effect a saved rate prior to the MRA process. When I looked at this I find that - in preparing this I found that the grade 2 Loader Freight Receiver basically in a bus or a service as employer is the only rate that needs to be preserved at this time.

PN6

THE COMMISSIONER: Okay. So yard person cleaner, refueller, etcetera, they just delete those references - they are just deleted.

PN7

MR PATERSON: That reference disappears in that proviso. Subject to any other requirements of the Commission I submit that this is in accordance with the processes of the Commission.

PN8

THE COMMISSIONER: What was the operative date?

PN9

MR PATERSON: The operative date originally was intended to be 3 November which would have been six months after the first MRA. I don't believe I put an operative date on the application; the union would be happy

with an operative date of first full pay period commencing on or after today for convenience of all parties.

PN10

THE COMMISSIONER: So does that put the future ones out a bit or?

PN11

MR PATERSON: It is only two weeks so I don't see it as any significant problem for us or our members.

PN12

THE COMMISSIONER: Thank you. Mr O'Neill?

PN13

MR O'NEILL: Yes, thank you, Commissioner. We concur with the submissions put to you by Mr Paterson this morning. The application is in accordance with the Commission's processes for dealing with MRA adjustments and we agree with the operative date. If it pleases.

PN14

THE COMMISSIONER: Thank you. Mr O'Neill, have you checked the draft order?

PN15

MR O'NEILL: Commissioner, the draft order was sent to me by colleague in Launceston and my instruction from him was that it was all okay so to answer your question honestly, no, I haven't been through it in detail but I have taken it on instruction.

PN16

THE COMMISSIONER: Okay. All right. Well, I indicate to the parties that the award will be varied in the manner sought in accordance with the draft order subject to any errors or omissions and if we find that there are any changes to be made we will consult both parties before doing so. The matter is adjourned.

ADJOURNED INDEFINITELY

[9.40am]