

PRESIDENT: Appearances please.

MR I. PATERSON: If the commission pleases, IAN PATERSON, appearing for the applicant union, the Australian Municipal Administrative, Clerical and Services Union.

5 PRESIDENT: Yes, thank you, Mr Paterson.

MR M. WATSON: May if please the commission, MARK WATSON I appear on behalf of the Tasmanian Chamber of Commerce and Industry in the matter of the Estate Agents Award, and on behalf of the Totalisator Agency Board in relation to that particular award.

10 PRESIDENT: Very good, thank you Mr Watson.

MR PATERSON: Mr President, this application seeks to remedy an omission in application T6597 of 1996, which varied clause 21 of the Estate Agents Award and clause 37 of Totalisator Agency Award. If the commission pleases I'll speak to both applications together, I mean
15 they are essentially the same matter.

PRESIDENT: Yes. No objection to that Mr Watson?

MR WATSON: No, Mr President.

PRESIDENT: No, okay, thanks. The matters are joined then.

MR PATERSON: The two awards and the clauses, clause 31 in the
20 Estate Agents Award to delete 9.25 and insert 9.45, and Clause 17 - Rest Pauses and Meal Breaks, to similarly delete 9.25 and insert 9.45, do, in respect of theses two clauses, exactly what was done to the awards in general in the matters that came before the commission earlier this year.

25 I believe from our brief discussions that the variation itself is a consent matter, it conforms with the principles and the evidence presented at the hearing on T6597 of 1996 and T6582 of 1996, which varied most I think, if not all, of the commissions awards. Unless the commission requires, or the employers require evidence, I won't present any
30 evidence that went to the justification for those increased amounts. I do have it available if it is required.

I believe these applications, by putting the consistency into the award, are consistent with the principles of the commission, don't offend the public interest and that the orders should be made to vary the awards
35 accordingly.

I would seek, as in the applications, for these operative dates for these awards to be aligned to those two previous decisions, that is operative dates first full pay period to commence on or after 15 February.

PRESIDENT: Yes, okay, tell me the tea money was varied in clause 37 in the Totalisator Agency Award, now we need to vary - are there two provisions?

MR PATERSON: I believe so, I haven't brought the -

5 PRESIDENT: I've got all the bits and pieces here.

MR PATERSON: - specific other award details.

PRESIDENT: Yes, yes that's right, clause 17.

MR PATERSON: The application in the note to the application, the Estate Agents Award varied clause 21, and I'm not sure from memory
10 whether - these awards were consolidated with the application of the carer's leave, and I from memory can't recall whether I was looking at the consolidated or the pre-consolidated award in respect of this application, I seek your assistance on that matter.

PRESIDENT: Yes, well they -

15 MR PATERSON: Is clause 31 in the Estate Agents Award, Travelling Time Allowances and Board, as it currently sits?

PRESIDENT: Well, we'll soon find out. 31 - Travelling Time Allowances and Board still at \$9. 25.

MR PATERSON: I think I must have looked to the consolidated
20 awards then, and it would have been in clause 21 -

PRESIDENT: And there was another provision in clause 28 for tea money, and it was only that clause that was varied, so there are two clauses in each award and only one in each award was varied.

MR PATERSON: Yes, and I believe it was clause 37 in the TAB award
25 that was varied and this seeks to vary clause 17 as well.

PRESIDENT: Yes, I understand that now, thank you

MR PATERSON: Thank you, Mr President.

PRESIDENT: Mr Watson?

MR WATSON: I don't really have anything further to add Mr
30 President, other than to say that this is a consent matter, and we don't believe there's any offence to the public interest nor the Wage Fixing Principles, it is in accordance with the full bench decision that was issued by this commission last year and again this year in relation to the update of the allowance. So this is a consent matter and we would
35 advise of such as per the application.

PRESIDENT: Yes, now just remind me again what was the operative date, 15 February?

MR PATERSON: That's correct.

PRESIDENT: Yes.

5 MR WATSON: Yes, that's correct, Mr President.

PRESIDENT: And you've no objection to the retrospectivity?

MR WATSON: I believe that, in relation to the retrospectivity, obviously retrospectivity is a concern for us at the best of times, but in relation to this particular issue we believe that the award obviously
10 needs to be fixed up, but practically the allowance would in fact be being paid, and I've already informed Mr Paterson what we intend to do in relation to this issue so there's no objection to the operative date.

PRESIDENT: Yes, all right, very good. Look, thank you very much
15 both of you for your submissions, the awards will be varied in the manner sought from that operative date. Very good, thank you.

HEARING CONCLUDED