

AUSCRIPT PTY LTD
ABN 76 082 664 220

Suite 25, Trafalgar Centre 108 Collins St HOBART Tas 7000
Tel:(03) 6224-8284 Fax:(03) 6224-8293

TRANSCRIPT OF PROCEEDINGS

O/N 9695

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 Decision PR 002 003 in
applying Safety Net Increase of \$18, the State
Minimum Hours provision and the Reasonable Hours
provision**

HOBART

2.15 PM, TUESDAY, 26 AUGUST 2003

HEARING COMMENCED

[3.05pm]

PN1

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

PN2

MS J. THOMAS: I appear on behalf of Tasmanian Chamber of Commerce and Industry Limited.

PN3

THE DEPUTY PRESIDENT: Thank you. Mr Griffin, I understand that you wish to seek leave to amend your application?

PN4

MR GRIFFIN: Yes, I do, thank you, Mr Deputy President, and I wish to amend the application in the following way in that this application reflects the decision of the wage case set out in the 2003 wage case decision, PR - - -

PN5

THE DEPUTY PRESIDENT: Don't worry about that, it's a different T number.

PN6

MR GRIFFIN: - - - 002 003, right. And also have to implement the reasonable hours provision in accordance with the State wage case of 2003 and also to reflect the meal money and work related allowances coming out of that 2003 State wage case, Mr Deputy President.

PN7

THE DEPUTY PRESIDENT: Right. Is there any objection to the application being amended?

PN8

MS THOMAS: No, there is no objection to the amendment to the application.

PN9

THE DEPUTY PRESIDENT: Good, thank you. Now, let the record show that this hearing commenced with a conference and during the course of the conference I presented in some detail the history for this award in respect to varying the award in terms of the minimum rates adjustment and the State wage case decisions and my understanding of the process that was to be undertaken to enable this award to catch up with general community standards and other awards of this Commission because it was significantly behind awards containing trade classifications.

PN10

The record should also show that in outlining the history of this award in respect of these MRA increases and safety net adjustment increases it was to, how shall I put it, to sort of not bypass but it was to enable the parties to agree on their own processes for bringing this award up to standard as opposed to the parties having to participate in a pay equity case. The parties took it upon

themselves to bring this industry award in line with other awards arising out of a program they determined.

PN11

It was always the intention of the parties at the end of the day to have this award fall in line with all other awards and be varied at the same time as other State awards were varied arising out of the State wage case. There have been a few little hiccups on the way and the parties are familiar with those. I must say that at the time of the fourth MRA being placed into the award the parties did not undertake what they told me they would undertake. When I say "told me" they told me at a conference arising out of the 2002 State wage case that they would introduce the minimum wage into this award, that is the State minimum wage, into this award at the same time as they inserted the final MRA.

PN12

Now, as that wasn't done the final MRA, fourth and final MRA went into the award without due regard for the relativities for salon co-ordinator, salon assistant, beauty consultant and salon co-ordinator under division B, health and beauty. That is a task that has to be undertaken at some stage of the game and it is my understanding arising out of the conference today that the SDA will prepare a log of claims to be served on the employer organisations party to this award for their consideration and that is to try and alleviate and get rid of the anomalous situation that exists in those four classifications, vis-a-vis the minimum wage.

PN13

It is also my understanding that discussions will take place fairly quickly and the parties have indicated their desire to tackle this issue prior to 1 December 2003. Whatever comes out of that conference it is my understanding that a separate application will be made to the Commission dealing with that issue. Is that the understanding of the parties in respect of that matter?

PN14

MR GRIFFIN: Yes.

PN15

MS THOMAS: Yes, it is.

PN16

THE DEPUTY PRESIDENT: Good. In respect of the application before me today in relation to having this award reflect the safety net increase arising out of the State wage case, and the meal money, and the work-related allowances, and the reasonable hours provision the parties have indicated that they will undertake immediate discussions with the view of preparing consent draft orders to be presented to the Commission to vary the award in line with their consent position.

PN17

It is also my understanding that it is the desire of the parties that any increases in wage rates and allowances and the variation to the reasonable hours provisions, would be operative from the first full pay period to commence on or after October, that is what they are aiming for and I would strongly

encourage them to pursue that with some vigour and activity. However, it is up to the parties to work their way through this and come up with the draft orders.

PN18

To that end I am going to adjourn the proceedings today to enable that course to be followed. Now, is that your understanding of the arrangement, Mr Griffin?

PN19

MR GRIFFIN: Yes, it is, Mr Deputy President.

PN20

THE DEPUTY PRESIDENT: Ms Thomas, is that your understanding?

PN21

MS THOMAS: Yes, it is and we take the opportunity of recording that we do consent to the variation of the award in line with the 2003 safety - or State wage case decision. On the face of it the safety net adjustment increase comes in earlier than the 12 months that typically needs to occur before a safety net adjustment can occur but the parties have consented to the earlier increase, and we have consented also that this award will now fall into line with other Stage wage increases as they fall due under all other awards of the State wage case decision.

PN22

THE DEPUTY PRESIDENT: Right, so it is the parties agreed position that from next year the operative date for the State wage case decision will definitely be along with every other award that is increased from that date; so it will be the first time that it has fallen into line for several years. Right. And you are happy with that undertaking?

PN23

MR GRIFFIN: Yes, thank you, Mr Deputy President.

PN24

THE DEPUTY PRESIDENT: Righto. Well, I will adjourn these proceedings and I will await confirmation of a draft order from the parties.

ADJOURNED INDEFINITELY

[3.16pm]