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TRANSCRIPT OF PROCEEDINGS

O/N 9903

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER P.C. SHELLEY

T No 11138 of 2003

METAL AND ENGINEERING INDUSTRY AWARD

Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 by the Automotive, Food, Metals Engineering, Printing and Kindred Industries Union to vary the above award re to amend Part III, wage rates and related matters clause 6 phasing in of wage rates.

HOBART

3.00 PM, WEDNESDAY, 12 NOVEMBER 2003

HEARING COMMENCED

[3.10pm]

PN1

MR P. BAKER: I appear for the applicant organisation.

PN2

THE COMMISSIONER: Okay, and I note that the Tasmanian Chamber of Commerce and Industry - although Mr Watson of that organisation did telephone me this morning and subsequently provided in writing the following document which advises that he consents to the application and will not be appearing in the matter this afternoon - and I apologise for the delay while we were locating this particular document which I think turned up on my desk. Mr Baker?

PN3

MR BAKER: The application relates to an error which occurred in the translation of the salary tables when the award was reformatted this time last year approximately. The classification levels specified currently in the award are the C7 and the C5 level which related to the old classifications as they were then in the award. Subsequently of course those classification levels changed but unfortunately these levels did not change so it is our intention - and I have handed to both yourself and your associate a draft order which I must admit also contained an error and I have amended the draft order to reflect what it should read.

PN4

As I have indicated - and the authenticity of the classification, the appropriate classification level, is drawn from clause 5.1.1(e) of the Metal and Engineering and Associated Industries Award 1998 as amended, which is where the original clause was derived from. I have had a discussion with Mr Watson from TCCI and as you have indicated, Commissioner, the TCCI consent to the application. Given that this will actually increase rates of pay we propose that the operative date be the first full pay period on or after 1 December 2003. We would suggest to the Commission that the application meets both tests, that is the public interest test under section B6 of the Act and also conforms to the Commission's guidelines as determined earlier this year by the Commission.

PN5

THE COMMISSIONER: Now, have you discussed with Mr Watson the operative date?

PN6

MR BAKER: 1 December, no I haven't.

PN7

THE COMMISSIONER: Okay. And have you provided Mr Watson with a copy of the draft order as amended?

PN8

MR BAKER: As amended, no.

PN9

THE COMMISSIONER: Okay.

PN10

MR BAKER: I will on my return to the office.

PN11

THE COMMISSIONER: Well, I indicate, Mr Baker, that I will be approving the application subject to confirming with Mr Watson the operative date and the amended draft order and assuming that that doesn't pose any problem, then the order and the decision will be issued shortly thereafter.

PN12

MR BAKER: Thank you.

PN13

THE COMMISSIONER: With that we are adjourned.

ADJOURNED INDEFINITELY

[3.15pm]