



TASMANIA

*Tasmanian Industrial Commission*

Industrial Relations Act 1984

T No. 10347 of 2002

**IN THE MATTER OF** an application by  
the ALHMWU to vary the Restaurant  
Keepers Award

Re: (a) delete subclause 2 – Minimum  
Wage from Clause 8 – wage rates and insert  
the Minimum Wage Clause in accordance  
with Principle 7 of the Wage Fixing  
Principles: and (b) vary Clause 9(f)(i) by  
deleting the words “amount equivalent to the  
minimum wage prescribed in Clause 8 –  
wage rates, subclause 2 – Minimum Wage”  
and inserting instead the words “an  
additional loading of 17.5 percent”.

DEPUTY PRESIDENT WATLING

HOBART, 19 AUGUST 2002

**TRANSCRIPT OF PROCEEDINGS**

**UNEDITED**

**(WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY)**  
**(ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS)**

**HEARING COMMENCED 10.30AM**

DEPUTY PRESIDENT: I'll take appearances in this matter please.

5 **MR TULLGREN:** If the Commission pleases, my name is Tullgren. I appear for the applicant, the Australian Liquor, Hospitality and Miscellaneous Workers Union – Tasmanian Branch.

**MR NOONAN:** If the Commission pleases, I appear on behalf of the Shop Distributive and Allied Employees Association, Tasmanian Branch, Noonan P.

10 **MR MAZENGARB:** Paul Mazengarb from the Tasmanian Chamber of Commerce and Industry Limited, if the Commission pleases.

DEPUTY PRESIDENT: Thank you very much. Mr Tullgren?

15 MR TULLGREN: Yes, if the Commission please. The matter is an application to vary the Restaurant Keepers Award in two ways. The first is to delete the existing minimum wage clause in the Award and to insert a new minimum wage clause which is in terms of the decision of the last State Wage Case. And the second variation is to alter the annual leave provisions to provide that a loading of 17.5 percent will be paid on annual leave loading instead of the current arrangements which call up the existing minimum wage clause in the Award. The  
20 second of the variations is necessary because if you simply sought to vary the minimum wage, it is a significant increase of in excess of \$100 and there would be an unintentional consequence of using that as the new figure for calculating the payment – the additional payment for leave. So that it seeks simply to reflect those two changes which  
25 come not only from the State Wage Case – either in relation to the adoption of the minimum wage clause, and the decision of the Commission to review awards in relation to a number of clauses, including the annual leave clause.

30 DEPUTY PRESIDENT: Good, thank you. Mr Noonan, have you a view?

MR NOONAN: I support the application, Mr Deputy President.

DEPUTY PRESIDENT: Good, thank you.

35 MR MAZENGARB: Mr Deputy President, I can advise that since the application was received in the office of the Tasmanian Chamber of Commerce and Industry Limited that we have consulted with our members that would be affected by this application that has been lodged and is before you today, and I'm pleased to advise that as a consequence of those negotiations the Tasmanian Chamber of  
40 Commerce and Industry Limited does not oppose the application as sought by the union and outlined by Mr Tullgren this morning. If the Commission pleases.

DEPUTY PRESIDENT: Good, thank you. Have the parties any view on the operative date?

45 MR TULLGREN: I would think from today's date, your Honour, in keeping with the usual ....

DEPUTY PRESIDENT: From the date itself, or the first full pay period?

MR TULLGREN: I would think to be consistent, the first full pay period on or after today's date.

50 DEPUTY PRESIDENT: Mr Mazengarb, any ....

MR MAZENGARB: Yes, I would support that operative date, from the first full pay period on or after today's date. Or the date of the decision which I presume will be today.

DEPUTY PRESIDENT: Are you happy with that, Mr Noonan?

55 MR NOONAN: I'm quite happy with that, Mr Deputy President.

DEPUTY PRESIDENT: Right ho. Well I can indicate to the parties that the Award will be varied in the manner sought and it will be operative from the agreed operative date, the first full pay period to commence on or after today.

60 **HEARING ADJOURNED 10.35AM**