

COMMISSIONER: I'll take appearances please.

**MR D. MATHEWSON:** MATHEWSON D, for the Australian Liquor, Hospitality and Miscellaneous Workers Union, Tasmanian Branch, if the commission pleases.

5 COMMISSIONER: Thank you.

**MR S. GATES:** Yes, if it pleases the commission, GATES, S.J., from the Tasmanian Chamber of Commerce and Industry.

COMMISSIONER: Good. Thank you. Any preliminary matters?

10 MR MATHEWSON: Yes, commissioner, I'd seek leave to amend our application. Our application currently reads: As per the reasons for decision T6118 of 1996, the applicant seeks to vary the Hotels, Resorts, Hospitality and Motels Award, Division B, by inserting the second minimum rate adjustment into clause 8 - it's actually the third  
15 minimum rates adjustment - third and final, so we'd seek to amend that to the third minimum rate adjustment - into clause 8 - Wage Rates, Division B - Motels. An operative date of the first full pay period on or after 6 May 1997 is sought.

COMMISSIONER: Right. Is there any opposition to the amendment?

MR GATES: No, commissioner.

20 COMMISSIONER: Leave is granted then, Mr Mathewson.

MR MATHEWSON: Also, commissioner, there are some consent orders that the parties have discussed and I believe the commission has been forwarded a copy of those. We'd also seek leave to make some amendments to those orders, if possible.

25 COMMISSIONER: Right.

MR MATHEWSON: Firstly, on page 1 of the orders in subparagraph (c), there is mention - or cross-referenced - in the second line, to holidays prescribed by clause 22 in the orders; it's actually clause 21, so we'd seek to amend that to clause 21.

30 And following on from that at the end of Division A, which is page 8 of the order, in the drafting of the order we left out subclause 6 which is the supported wage system clause and that was merely an oversight, and I believe in A we actually haven't got it either.

COMMISSIONER: So it's A and B.

35 MR MATHEWSON: Yes, and A and B. A is - in Division A it's the complete clause and Division B which is the last page it's merely a cross-reference to the Division A clause that needs to be inserted there.

COMMISSIONER: Good. Right. And are you deleting anything else from clause 8?

MR MATHEWSON: There is a deletion and that is under Division B, under subclause (2) - wage rates, and if I take you to page 11. It would have fell as paragraph (c) in that subclause, and he talked about an additional allowance involving payment for second and third year adult clerical service for the classification of hospitality administration of front office. It was part of the agreed process in this matter and the schedules. That was actually phased out so as part of the finalisation of this, that allowance was phased out to nil, and obviously that clause was removed as part of that.

COMMISSIONER: So your application is also to delete the clause - additional allowance.

MR MATHEWSON: Yes, that's correct.

COMMISSIONER: Right. No objection, Mr Gates?

MR GATES: No, commissioner.

COMMISSIONER: Anything else?

MR MATHEWSON: Just that obviously the application is consistent with the reasons for decision T6118 of 1996 that commenced this process. This is merely the finalisation. The parties would agree to an operative date of the first full pay period on or after 6 May and that is the date we would seek and we'd submit that the application is consistent with the commission's Wage Fixing Principles and not against public interest.

COMMISSIONER: Good. Thank you. Mr Gates?

MR GATES: Thank you, commissioner. We are in a position where we can consent to all of the amendments put forward by Mr Mathewson today. This represents the conclusion of the minimum rates adjustment process for Division B - Motels. It is a consent application. We agree to an operative date being the first full pay period on or after 6 May 1997, that being when the next minimum rate adjustment was due on and from. And we also say that it is in accordance with the Wage Fixation Principles. If it pleases the commission.

COMMISSIONER: Good. This isn't my award, but has Division A completed its MRA's has it?

MR GATES: Yes, it has. Yes, there's a strange relationship and there's a long history as to why Division A moved and not Division B. But what we would say at this point in time is that the ALHMWU and the TCCI will be moving at some stage to rationalise the provisions of

the award in consultation with the other parties to the award to make it more user friendly to the industry.

COMMISSIONER: I always thought it was award restructuring and not division restructuring.

5 MR GATES: Yes, well, that's what we're going to be doing.

COMMISSIONER: I thought I might have missed something.

MR GATES: No. But it comes back to this historical nexus as to where it all was and there's Division A and there's often been arguments of changing positions on this, but Division A was linked to the federal Hospitality Industry Award, whereas Division B was linked to the federal Motels Award. They moved at different rates and -

COMMISSIONER: So you're saying it's worse than the building and construction industry?

MR GATES: No, no, no. The parties on this award work amicably so we can iron out any problems as we find so, and that's why we're looking at rationalising the whole award because it is hard to apply.

COMMISSIONER: Yes. All right, Fair enough, I understand that. Right. Well, thanks for your assistance. I can indicate to the parties I will vary the award in the manner sought and that concludes the third and final MRA for Division B as well as remove the clause relating to additional allowances as I take it that was part of the agreement of the MRA process and the operative date will be from the first full pay period to commence on or after 6 May 1997.

I'll hand down a written decision in due course along with the orders so it will reflect the decision I've just given you now. Thank you.

**HEARING CONCLUDED**