

PRESIDENT: Can I have appearances please.

MR P. BAKER: Sir, I appear on behalf of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union in all matters; P. BAKER.

PRESIDENT: Yes, thank you, Mr Baker.

5 **MR G. COOPER:** If the commission pleases, I appear on behalf of the Australian Workers' Union, Tasmania Branch - COOPER, G.

PRESIDENT: Thank you, Mr Cooper.

MRS H.J.DOWD: If the commission pleases, I appear on behalf of the Australian Municipal Administrative, Clerical and Services Union - DOWD, H.J.

10 PRESIDENT: Thank you, Mrs Dowd.

MR K O'BRIEN: If the commission pleases, in each of those matters I appear on behalf of the Australian Liquor Hospitality and Miscellaneous Workers Union, Tasmanian branch.

PRESIDENT: Yes, thanks, Mr O'Brien.

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

PRESIDENT: Thank you, Mr Noonan.

MS J. THOMAS: Jenny Thomas, and with me **GATES, S.J.**, for the Tasmanian Chamber of Commerce and Industry Limited.

20 PRESIDENT: Thank you, Ms Thomas. Very good. Well who is going to lead off? Mr Baker?

MR BAKER: Thank you, sir. I have - before detailing a submission in respect to this matter, I have detailed - I have provided to your associate a draft order which has also been provided to the parties in this award and I understand that those rates have
25 been checked and prove correct.

Sir, this application arises out of a number of applications, one of which was T.6263 which formed the basis of a review into the wage fixation principles by the Tasmanian Industrial Commission in a decision dated the 24th July of this year in respect of the third arbitrated safety net adjustment. To that end, you may recall it, sir, that the
30 AMWU did in fact on that day give a commitment insofar as the principles were concerned and to that end we seek to vary the Automotive Industries Award pursuant to that decision and to the undertaking given on transcript of that day that the third arbitrated safety net adjustment should be flowed into the Automotive Industries Award.

35 Insofar as that award is concerned you may be aware, sir, that there is already some discussions taking part - taking place, I should say, concerning the restructuring of that award, and indeed there'll be a fresh application presented to the commission in the next week or so concerning the abolition and restructuring of Divisions A and B of that award. So the review of the award has commenced and that is an ongoing
40 situation, and I provide that to the bench as matter of just information.

Sir, we would seek an operative date from the 14th August consistent - the first pay period on or after the 14th August which is 12 months from the date of the decision in

matter T.5791 of 1995, by a decision by Commissioner Watling dated the 4th October 1995 in which the award was varied to provide the second safety net adjustment, the first full pay period operative from the 14th August. I do beg your pardon, sir, it was in matter T.5624 and T.5570 of 1995 and T.5580 of 1995 in a decision by Commissioner Gozzi of the 17th August. I flipped the page over there mistakenly.

I understand also -

PRESIDENT: So the operative date you're seeking is -

MR BAKER: - is the first full pay period on or after the 14th August.

PRESIDENT: The 14th - yes.

10 MR BAKER: Yes.

PRESIDENT: All right. And as you indicated, your organisation is committed to the review in accordance with the principles?

MR BAKER: Yes, sir.

15 PRESIDENT: And in terms of the proposal that you're working on at the moment, can you give me some sort of outline as to what it is that you're looking at?

MR BAKER: Insofar as the outline is concerned, Division G of the award, we are seeking to delete that altogether.

PRESIDENT: 'G' is - deals with what?

20 MR BAKER: Is - relates to - talks about retail stores being affected is actually the K Marts.

PRESIDENT: Yes, yes.

25 MR BAKER: We're going to delete that altogether. Insofar as Division 'D' is concerned, seller of motor vehicle replacement parts and accessories, we have completed a rewrite of that for the second time. Mr Edwards currently has that on his desk for a - to look at. We've rewritten that to - in plain English terms and removed all sexist language from it.

PRESIDENT: What's left?

MR BAKER: Mm?

PRESIDENT: All right.

30 MR BAKER: Insofar as Divisions A and B are concerned, Mr Edwards has a proposal also on his desk from me that those two divisions in fact be amalgamated as a first step in the rewriting of the award and that has been - I've completed that exercise. As it is there is very little difference between the provisions in Divisions A and B of the award. Insofar as Division - and we would flow on that. Once having done that we
35 would then have a look at Division C - Clerks, and Division D - sorry, Division F - sorry - yes - sorry Division D - Motor Vehicle Replacement Parts, and that would leave us ultimately with the provisions for Division E - Commercial Travellers. And once, if you like, sir, we've rolled all those into - into having one set of uniform conditions of employment, we would then look at rewriting the award in its entirety.

There are some problems associated with the award as it stands at the present time. There are different provisions for overtime provisions which relate to clerical employees and -

PRESIDENT: Yes.

5 MR BAKER: - and spare parts sales people. Some of those provisions grew out of the old restricted trading practices of a Saturday morning and they need to be sort of looked at in the context of the award itself as a whole. What that ultimately - what we ultimately finish up there with remains to be seen, but no doubt my colleagues who represent those people will be making appropriate submissions at the appropriate
10 time.

So that's where all that is. And I think the matter was actually due back for a report back some time.

PRESIDENT: Yes.

MR BAKER: Or did we did just adjourn it -

15 PRESIDENT: No, I think we had a report back set down didn't we for Automotive.?

MR BAKER: Yes. Yes. So we should be actually in a position to take a couple of quite significant steps the next time we're back before you.

PRESIDENT: Yes. That's good. There are a number of other features which the commission has some interest in as well which we might refer to the parties to
20 examine.

MR BAKER: I'm - yes - I'm - yes, I mean I - yes - you really don't want to read this award too thoroughly.

PRESIDENT: No, well that probably accounts for all the yellow tags that we have here. Okay, yes. Thanks, Mr Baker.

25 MR COOPER: Mr President, in support of the applications, this was one award where we thought we had an application in, but on arriving this morning I note that it is crossed off the list, but we don't actually have a 'T' number ourselves.

PRESIDENT: Yes, we'll have a look at that. I was alerted to the fact that you thought that there was an application in.

30 MR COOPER: It doesn't really matter, Mr President. There are sufficient applications in -

PRESIDENT: But if there is one, then I don't want it to get lost. So with -

MR COOPER: If it doesn't turn up, Mr President, as again as I was saying, there are sufficient applications in to allow for the variation to flow.

35 PRESIDENT: Yes, there certainly -

MR COOPER: The only thing we were going to do this morning was to seek to vary our application to allow for that tidying up in the parental leave clause which is clause 24 of the award, and perhaps one of the other unions can seek to vary their's and tidy that up while we are here this morning, and that's simply to amend Part D, Part-time
40 Work.

PRESIDENT: Well, if I can just hold you on that. For ease of issue of orders it might be simpler if that were left to another time when we consolidate the award.

MR COOPER: I see. Okay

PRESIDENT: Because it's going to mean a hell of a lot of extra printing otherwise.

5 MR COOPER: I understood, sir, that we were advised by the deputy president when we came along the next time.

PRESIDENT: Yes, but at consolidation time, I think is the better way to go.

MR COOPER: Okay. So we'll leave that then. So I have got those done for all the other awards, so you don't need that for the \$8.00?

10 PRESIDENT: Well, I think the first thing you have to establish is whether or not the award is going to be consolidated in print form, and we'll do it at that time.

MR COOPER: Right, well I won't know that -

PRESIDENT: It's fairly an inconsequential bit of drafting, or an inconsequential drafting error, but it does need to be corrected.

15 MR COOPER: I understand that, Mr President. I was just advised that when we came up next time to raise it, so I did.

PRESIDENT: Yes. I thank you for doing so.

MR COOPER: Right. In other words, sir, the draft order has been provided to us by the Metal Workers this morning. That draft order appears to be in order. It has been
20 checked, as I understood, by the TCCI. We met some 2 weeks ago and we went through the awards that we were party to. This was one where they said they had draft orders and they were in order, so we didn't seek to provide them. In any event, consistent with the principles, we advised the commission that we support the principles that came out of the last state wage case in T.6284 of 1996 and others.

25 We give that commitment and we support the application the operative date as put forward by the Metal Workers. If the commission pleases.

PRESIDENT: Very good. Thanks, Mr Cooper. Mrs Dowd?

MRS DOWD: Thank you, Mr President. The Australian Services Union supports the submission put forward by Mr Baker.

30 We also have an application that we didn't provide a draft order because Mr Baker has actually provided that to the commission, and also the TCCI, and we support the figures that have actually been included in that draft order, and we would also seek the operative date to be the first full period on or after the 14th of August.

If the commission pleases.

35 PRESIDENT: All right. Thank you very much. Mr O'Brien?

MR O'BRIEN: Mr President, my organisation endorses the submissions presented by Mr Baker and Mrs Dowd and indicate that we likewise give a commitment in accordance with Principle 7.3.2.3 for the purposes of this award, and ask that the order as asked be made accordingly.

PRESIDENT: Very good. Thank you, Mr O'Brien. Mr Noonan?

MR NOONAN: Yes, Mr President. In a decision handed down in relation to T.6305 and T.6291 of 1996 dated 24 July 1996 I go to page 6 there and it is 7.3.2 award level

5 *On application a third \$8.00 per week arbitrated safety net adjustment will be made available at award level from no earlier than 20 June 1996, subject to the following test:*

That the award has been varied to reflect the first and second \$8.00 safety net adjustments.

- which the award has -

10 *That at least 12 months have elapsed between the second and third award safety net increases.*

I believe that the 12 month period will be up on 14th of August.

15 Then we go on to 7.3.2.3 and the organisation I represent, Mr President, gives a commitment in relation to the principles as outlined in 7.3.2.3 and we would seek the operative date from the first full pay period commencing on or after 14 August 1996.

If the commission pleases.

PRESIDENT: Yes. Thank you, Mr Noonan. Very good.

20 MRS DOWD: Excuse me, Mr President. Before Ms Thomas actually gets to her feet I believe that the Australian Services Union must give the commitment to the principles, which I omitted to do when I was on my feet before, and the Australian Services Union does actually commit themselves to the principles as outlined. If the commission pleases.

PRESIDENT: Very good. Thank you, Mrs Dowd. I must admit I thought you had, but I was mistaken.

25 MRS DOWD: No, I didn't, Mr President.

PRESIDENT: Okay. Very good. Ms Thomas?

MS THOMAS: I understand, Mr President, that there are letters from the NUW and TWU with the required commitment?

30 PRESIDENT: Yes, I have with me the TWU commitment. I don't know what's happened to the NUW which I have seen. Yes, the NUW has given a commitment in relation to the Automotive Industries Award and, likewise, the Transport Workers' Union of Australia has given a commitment in respect to automotive industries. Do you want to see copies of these? I don't know what the practice has been in other matters.

35 MS THOMAS: I might just give them a quick scan.

PRESIDENT: You can certainly examine them. A pregnant pause. We will go off the record for a second.

OFF THE RECORD

PRESIDENT: Yes?

MS THOMAS: I note with respect to the correspondence from the Transport Workers' Union that that commitment has been given in relation to all the awards which they have a registered interest.

5 PRESIDENT: Yes.

MS THOMAS: Now I am not sure whether it is their intention to table that letter on each occasion the award -

PRESIDENT: It will be made available to all members of the commission, and I imagine they will produce it at each hearing of each award.

10 MS THOMAS: Yes. All right, then. Okay.

As all the unions who have a registered interest in the award have given the required commitment on 7.3.2.3 of the wage fixing principles the TCCI advises its consent to this matter.

15 The draft order has been checked and is agreed, and the operative date from the first full pay period on 14 August is also confirmed.

If it pleases the commission, I don't think I need to make any further submissions.

PRESIDENT: All right. Thank you for that. Before we get to concluding this matter there is a further piece of correspondence from TACC and Ms Yilmaz has asked me to read this into transcript, and it is in three points:

20 *1. The TACC in principle do not object to the application of the third safety net adjustment for the Automotive Industries Award.*

2. The award should be varied for the third safety net adjustment provided the award was varied to incorporate the first and second safety net adjustment.

25 *3. Further, that the parties should commit to the review of the award to remove obsolete provisions, remove discrimination and incorporate test-case standards and incorporate facilitative provisions.*

And that's read into transcript for the purpose of the edification of the parties.

MS THOMAS: I think there may be a couple of items in that letter which aren't correct.

30 PRESIDENT: I thought you might say that, Ms Thomas.

MS THOMAS: The reference to 'facilitative provisions' and so forth, but subject to that, I think we all understand where the parties are required and what they are required to commit to.

If the commission pleases. I'll have a word with Ms Yilmaz.

35 PRESIDENT: Yes, that would be quite useful. Thank you very much.

All right, well, in the circumstances, I can see no reason why the award should not be varied in the manner sought by the applicants, with effect from the first full pay period to commence on or after the 14th of August. Very good.

HEARING CONCLUDED