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TRANSCRIPT OF PROCEEDINGS

O/N 9321

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER P.C. SHELLEY

T No 10458 of 2002

PUBLIC VEHICLES AWARD

Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 by the Australian Municipal, Administrative, Clerical and Services Union to vary the above award re structural efficiency and minimum rates adjustment to vary wage rates for employees other than clerical and administrative employees

HOBART

9.30 AM, THURSDAY, 3 APRIL 2003

Continued from 26.3.03

HEARING COMMENCED

[9.30am]

PN128

THE COMMISSIONER: Okay. Mr Paterson, are we ready to rock and roll?

PN129

MR PATERSON: We are, thank you, Commissioner. I would like to provide you with two documents. The first is replacement pages for ASU1, pages 8 and 9, and the second is a replacement in full of ASU2, plus my pages of the two page one.

PN130

THE COMMISSIONER: So there is a complete new minimum rates adjustment document.

PN131

MR PATERSON: Outline, yes, which I would suggest is probably ASU3 and replacement papers 8 and 9 for ASU1.

PN132

THE COMMISSIONER: Okay. Well, I will mark them, as you suggest. Thank you.

PN133

MR PATERSON: As you will recall from our last hearing Mr Cameron had proposed an alternate way of structuring the minimum rates adjustments to deal with wide divergence of current rates from final rates. What this process is put in place the existing rates as the base rate and phase in over four minimum rates adjustments the adjustment to the final base rate, which you will see reflected on pages 8 and 9 of the minimum rates adjustment of ASU3.

PN134

The other matter that this deals with is collapsing into single rates of pay, those that were not widely divergent. For instance, in grade 2 there is now only one rate of pay. Under the grade 3 and 4 there is also only one rate of pay. One can see by comparing ASU3 to ASU2, as at the final rates or the fourth minimum rates adjustment, where the relativities are shown these have been done by lifting those rates off to the highest of the multiple rates that were there. For instance, the grade 3 drivers all go to 91.8.

PN135

The Chamber of Commerce and Industry proposed minimum rates adjustments that would be effective from today for the first MRA and then subsequently in November of this year, in April and November of last year, whilst that is not six months apart it does space it appropriately around the anticipated August increase.

PN136

THE COMMISSIONER: So are you saying first one today, second in November?

PN137

MR PATERSON: November this year.

PN138

THE COMMISSIONER: Third in the following April.

PN139

MR PATERSON: And the fourth in the following November, which particularly it allows for three months following the anticipated safety net increase to the second and fourth MRAs. So it is in fact a seven month spacing between the first and the second. It would only be five months between the second and third.

PN140

THE COMMISSIONER: And you make application for those, those subsequent ones?

PN141

MR PATERSON: Separate applications will be made in respect to a subsequent minimum rates adjustments in accordance with the ASU3 of this here, adjusted for any movements in the safety net that may occur before such applications are made.

PN142

THE COMMISSIONER: Yes.

PN143

MR PATERSON: The other matter I just draw the Commission's attention to, I have probably mentioned previously, but on page 9 there is a proviso that preserves the current rates for:

PN144

...employees currently engaged as a yard person, cleaner, greaser, refueller, loader, freight load receiver -

PN145

in what is currently, I believe, division A of the award. That will be overtaken by the effect of the third minimum rates adjustment and will become unnecessary at that stage, I believe, and - - -

PN146

THE COMMISSIONER: And that will be reflected when you make that application at that time.

PN147

MR PATERSON: That will be reflected in that third minimum rates application and the inclusion of the minimum rates clause in accordance with the last State wage case would be incorporated in the fourth minimum rates adjustment. It gives me some satisfaction to say that this matter is concluded and I would simply like to thank the chamber for its co-operation in progressing this matter although it has probably taken twice as long as we would have liked it is certainly a lot sooner than a number of other awards that I have dealt with in this Commission.

PN148

THE COMMISSIONER: Thank you. Ms Thomas?

PN149

MS THOMAS: Yes. The TCCI consents to the variation of the Public Vehicles Award in accordance with those terms set out in this ASU1 as amended, pages 8 and 9, produced in ASU3. We thank the Commission for the time extended to the parties in reaching this final agreement on all outstanding matters in this award. The parties agree to the introduction of wage relativities in this award and have agreed to the overall adjustments to wage rates needed to achieve this are to be phased in equally over four 6-monthly instalments as outlined by Mr Paterson. Mr Paterson also referred to the rationalisation of the number of wage rates appearing under some grades which we thought was appropriate, given that the differential is varied from 2 to \$7.

PN150

We consent to the operative date for the newly formatted award and the first MRA from the first pay period on or after today's date and we will consent to subsequent applications to vary the award for the remaining MRAs provided applications are made prior to those operative dates. In closing, we submit that this application satisfies the Commission's wage fixing principles and the public interest requirements of the Industrial Relations Act. If it pleases the Commission.

PN151

THE COMMISSIONER: Very good.

PN152

MR PATERSON: If I may, just one small matter in terms of layout, it just might be more sensible to have the taxi drivers - the way the classifications read, it is the stores' employees grade 1 and 2 and then the drivers, which have grades 3, 4 and 5. There is actually no grade 1 and 2 for drivers. I don't know where that comes from in terms of the award.

PN153

THE COMMISSIONER: Perhaps you could talk with Ms Sasser about - - -

PN154

MR PATERSON: I mean it is really just what is more convenient, whether it is to have - - -

PN155

THE COMMISSIONER: Yes. Subsequent to the hearing at some stage.

PN156

MR PATERSON: Yes. To have all the relativities in order or to have the types of classifications in order and whether the drivers' grades might not be 1, 2 and 3 instead of starting at 3 and going to 5. That is a minor matter.

PN157

THE COMMISSIONER: Yes. Have you provided the Commission with a disk or sent it by e-mail?

PN158

MR PATERSON: No. Not at this stage. I am happy to do that.

PN159

THE COMMISSIONER: So can you confer with Ms Sasser and work out the best way to do that.

PN160

MR PATERSON: I can.

PN161

THE COMMISSIONER: I also note that neither the Australian Workers' Union nor the Transport Workers' Union are here today but I am quite satisfied that they were served notice of all of the hearings and take it that they have no difficulties with the application. So I indicate to the parties here today that the award will be varied in the manner sought, which is quite significant, particularly in terms of formatting as well as the introduction of the MRAs and the operative date for the first minimum rates adjustment will be the first full pay period on or after today's date and this will be confirmed in due course in a written decision. Thank you.

ADJOURNED INDEFINITELY

[9.45am]