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TRANSCRIPT OF PROCEEDINGS

O/N 9077

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER T.J. ABEY

T No 10567 of 2002

T No 10614 of 2002

T No 10615 of 2002

HOTELS, RESORTS, HOSPITALITY AND MOTELS AWARD
VETERINARY SERVICES AWARD

LEATHER, CANVAS AND SHEET PLASTIC FABRICATION AWARD

**Applications pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
lodged by the Australian Liquor, Hospitality and
Miscellaneous Workers Union, Tasmanian Branch
re superannuation**

HOBART

11.30 AM, WEDNESDAY, 18 DECEMBER 2002

HEARING COMMENCED

[11.12am]

PN1

THE COMMISSIONER: We will deal with these three matters together.

PN2

MR P. TULLGREN: I appear on behalf of the Australian Liquor, Hospitality and Miscellaneous Workers Union on all three matters.

PN3

MS J. THOMAS: I appear on behalf of the Tasmanian Chamber of Commerce and Industry Limited.

PN4

THE COMMISSIONER: Thank you. Yes, Mr Tullgren?

PN5

MR TULLGREN: Thank you, Commissioner. These are applications to vary the three awards in relation to superannuation. Initially I would seek leave to amend the application order, attachment A to the application. It currently in relation to the second award refers to the Leather, Canvas and Plastic Sheeting Award, it should be the Leather, Canvas and Sheet Plastic Fabrication Award and I would seek leave as is required to amend the application accordingly.

PN6

THE COMMISSIONER: Yes, leave is granted.

PN7

MR TULLGREN: The applications seek to vary the superannuation clauses to effectively increase the superannuation contribution to 9 per cent or a monetary amount on which is increased by 9 per cent because in two of the awards there are rates, superannuation contribution rates expressed in part in dollar amounts to reflect particular employment situations and they have been adjusted by 9 per cent. I have had a discussion with my friend this morning. We agreed that the application should be operative from today's date.

PN8

However, my friends have advised that they are in a process of consulting their members to see whether there may be a request for any potential exclusions from payment because of payment into other funds. We would await advice, but it is agreed that the variations would apply from today. Perhaps as a matter of machinery that if the Commission was to make the order that it would apply subject to the parties providing some draft orders that reflect either any agreed exemptions that may be felt necessary, or if not, simply variations to the award provided that if in relation to exemptions there is any dispute that those matters would be listed before the Commission for further hearing.

PN9

THE COMMISSIONER: Yes, it is a little bit awkward. If I follow what you are saying it would mean delaying issuing an order to this effect. Wouldn't a better approach be to issue the order varying the award. If in the event that there are exemptions required the matter has been flagged here today and provided there

was consent, the exemption could be retrospective to today as a separate application.

PN10

MR TULLGREN: If my friend is happy, I didn't suggest that course because I hadn't had any consultation with my friend, but I don't have any problem with that if my friend is happy with that in relation to her members.

PN11

THE COMMISSIONER: Thank you. Ms Thomas?

PN12

MS THOMAS: Yes we would give our consent to the variation of the awards named in the T numbers read out and yes, operative from today's date and I do confirm that we will be consulting with our membership in terms of any of those members who may need an exemption identified in the award, and we will be discussing that with the ALHMWU and if necessary applications will be made to vary the awards.

PN13

THE COMMISSIONER: Yes, right I think that issue has been flagged appropriately. The applications will be granted and the awards varied operative from the beginning of the first pay period to commence on or after 18 December 2002. On that basis these matters stand and the Commission stand adjourned.

ADJOURNED INDEFINITELY

[11.16am]