

**HEARING COMMENCED 9.00am**

COMMISSIONER: I'll take appearances, please.

**MR R. FLANAGAN:** If it pleases the commission, FLANAGAN, R., for the Australian Workers' Union, Tasmania Branch.

5 COMMISSIONER: Thank you.

**MR K.J. RICE:** If it please the commission, RICE, K.J. I appear for the Tasmanian Farmers and Graziers Employers Association and, sir, you have an authority that I also appear on behalf of Tasmanian Chamber of Commerce and Industry.

10 COMMISSIONER: Yes, I have that authority here. Mr Flanagan, are you leading off?

MR FLANAGAN: Yes, thank you, commissioner. Commissioner, the parties are seeking today to vary the Shearing Industry Award by consent. The purpose of the application is essentially to update the  
15 Shearing Industry Award to reflect a number of movements that have occurred since 1995 which have not been flowed through to this particular award.

The application does not seek to address the present State Wage Case increase of \$14.00 which will flow through to other awards with  
20 \$10.00 from 14 July and \$4.00 further from 14 October. It doesn't seek to address that. What it seeks to address is the 1997 State Wage Case, the 1996 State Wage Case and I believe the 1995 State Wage Case.

If I can take the commission through the variations which will occur.  
25 What in fact will occur is, those outstanding wage increases -

COMMISSIONER: From those three State Wage Cases, you're really talking about the safety net adjustment from each of those -

MR FLANAGAN: Yes. It's in respect to the safety net adjustment principles, yes. What occurs is, those movements become reflected in  
30 Clause 1 - Rates for Shearers in (a) and (b). In Clause 2 - Rates for Crutching in (a), (b) and (c). 3 - Rates for Shedhands in (a) and (b). 4 - Rates for Wool Pressers in (a), (b), (c) and (d). 5 - Rates for Shearing Cooks in (a) and (b). There has been a drafting oversight in relation to the rates which are in the schedule to the application in respect of the  
35 wool classers and Mr Rice will take the commission to those rates.

The position there is that the wool classers are not employees who are represented by the Australian Workers' Union; they in fact have their own organisation. So, in preparing this schedule there was an oversight in respect of wool classers. However, Mr Rice will be able to

take the commission to the rates which we will need to amend in respect of that particular aspect.

5 COMMISSIONER: So, are you seeking to vary the wage rates for wool classers? Have I got an application before me that allows me to do that?

MR FLANAGAN: Yes, the application is there. Definitely - it forms part of what is before the commission. It's simply that in making that application there has in fact been an oversight in terms of the rates specified for the wool classers.

10 It is the union's view, given that the application seeks to flow through outstanding safety net adjustments, that the application is consistent with the requirements of the Act and does not offend the existing wage principles of this commission. In those circumstances, given that the matter is by consent, the union would seek that the commission  
15 approve the application before it today in the terms sought and as amended in respect of Division B - Wool Classers, or as to be amended by Mr Rice.

COMMISSIONER: Now, the increases arising out of the three State Wage Cases, how much are we talking about? Are we talking about the  
20 three lots of \$8.00?

MR FLANAGAN: Two \$8.00 and a \$10.00, as I understand it and then what occurs is, there is a formula contained within the award in respect of shearing, crutching operations and for piecework shed hands and piecework wool pressers.

25 COMMISSIONER: So, you're taking the total of the \$26.00 -

MR FLANAGAN: Place that into the formula -

COMMISSIONER: And put it in through the formula?

MR FLANAGAN: That's right. That's how these figures come out. If it pleases the commission.

30 COMMISSIONER: Right. Mr Rice?

MR RICE: Thank you, commissioner. Sir, we do consent to the application. If I could go to the commission, to just what is included. You did ask, what are the increases that are included. It was my view that the award is up to date at the moment for the December 1993  
35 State Wage Case, the first \$8.00, and then would be the September 1994 State Wage Case would be included the second \$8.00, the December 1994 third \$8.00 and the June 1997 - the \$10.00 of the safety net adjustment in the June 1997 increase and there would also be included in that the third minimum rates adjustment that would

apply to shed hands and the fourth minimum rate adjustment that would apply to shed hands, sir.

COMMISSIONER: Right.

5 MR RICE: If my understanding is correct, on our last amendment it included the first, the December 1993 State Wage Case. It was the first \$8.00 of the safety net adjustment and the second minimum rates adjustment was included in that particular increase at that time. So, the new rates that came out incorporated all the adjustments to bring it up to date, excluding implementation of the current State Wage  
10 Case.

COMMISSIONER: Right.

MR RICE: Sir, it becomes a little more complicated in relation to wool classers and I would seek your direction on that, but what we would be seeking to implement with wool classers, at the last increase that I  
15 have is -

COMMISSIONER: This wouldn't even have the first \$8.00, would it?

MR RICE: I'm just getting used to glasses, commissioner. I look at you and I can't see you with them on and I can't see with them off, and I can't see this, so I'm just working on them at the moment.

20 COMMISSIONER: We all get to that stage.

MR RICE: The current rates have the fourth minimum rates adjustment, the 2.5 State Wage Case and the first \$8.00 of the State Wage Case and what we need to implement then is the second \$8.00 from December 1994, the third \$8.00 from December - I beg your  
25 pardon.

COMMISSIONER: December 1994.

MR RICE: And the first \$10.00 from June 1997 State Wage Case and, sir, those rates, if I could take you to Division B, 1(a), where at the moment it has a piecework rate in there: *shall be paid at the rate of*  
30 *\$177.00 per thousand sheep and/or lambs*. That figure goes to \$184.45.

Then if we come down to 2 - Wool Classers and Shearing Sheds Experts, in the schedule of tables there they start at \$589.86, \$655.30, \$6...30, \$706.30 and \$739.30. They would be replaced by -

35 COMMISSIONER: \$739.50, isn't it?

MR RICE: \$739.50, I beg your pardon. Would be replaced by \$617.85, \$686.50 and \$686.50 again, \$737.50 and \$770.65.

COMMISSIONER: Just for interest sake, why do you round them off to five cents, if they're weekly wage rates?

MR RICE: I don't know, commissioner. It's part of the shearing - I would need to go back to the award and it was part of the history of the award that they were rounded to five cents in their -

COMMISSIONER: In their federal award.

MR RICE: - working out on the formula.

COMMISSIONER: In wool classers?

MR RICE: In wool classers. I would just need to refer back to the award, commissioner, to give you an answer on that.

COMMISSIONER: Right. I was just curious, don't worry about it.

MR RICE: I must admit, it did take my attention and I hadn't taken it any further than that. As you quite rightly say, the five cents as against ten cents.

COMMISSIONER: Because we'd normally round to ten cents on the weekly wage rate and a dollar if it was an annual salary. Right?

MR RICE: They were the only - there were some minor amendments into the body of the award but we will be coming back before the commission regarding this award for the review of the award, commissioner, and the 1998 State Wage Case to be implemented in that, so they're not major amendments.

COMMISSIONER: Yes. I've got a couple here that I might raise with you as well, when you finish your submissions.

MR RICE: That is my submission at this particular time, sir. If it please the commission.

COMMISSIONER: Right. And you're supporting this and as it's consistent with the Wage Fixing Principles?

MR RICE: That would be our submission, commissioner, that it is consistent with the Wage Fixing Principles. It's just unfortunate that it hasn't been picked up at each of the increases as they've come before the commission or been granted by the commission and we're seeking now to bring it up to date and we would submit it is in accordance with the Wage Fixing Principles of this commission, sir.

COMMISSIONER: Any submission on the operative date?

MR FLANAGAN: We would be seeking the first full pay period on or after today's date.

MR RICE: We would support that, commissioner.

COMMISSIONER: Right. There's just a couple of little things that we thought we may have picked up at the time. I don't know whether you've got the award with you, have you?

5 MR RICE: Yes, sir.

COMMISSIONER: There will be a couple of just pure drafting things, where we'll get things into proper case but when we go to rates for wool pressers, in (iii) of (a) -

MR RICE: Pressers or classers, sir?

10 COMMISSIONER: In relation to pressers, 4 - Wool Pressers.

MR RICE: Yes, sir.

COMMISSIONER: You've got 4(a)(iii), is it 'additional rate' or 'addition rate'?

MR RICE: Additional, sir.

15 COMMISSIONER: In (iv) do you think it needs a comma in the third line after, *have been paid for* - in the third line. Does it need a comma after that, otherwise it will read, 'been paid for the employer'?

MR RICE: Yes, sir, it does.

20 COMMISSIONER: We're talking about, would have been paid for, the employer shall pay -

MR RICE: Yes, sir.

COMMISSIONER: If we go to wool classers. I don't think we need the colon at the top, after definition but that's a drafting thing. In (iii) the first line, we've got to put the other bracket after, as defined, don't we?

25 MR RICE: Mine's got the bracket in it.

COMMISSIONER: Has it.

MR RICE: Yes. I'm opened and closed the bracket, opened as and then closed as -

30 MR FLANAGAN: Pursuant to the application, there needs to be a closed bracket after -

MR RICE: Oh, you're looking at the application, I beg your pardon. I was looking at the award.

COMMISSIONER: No, I'm looking at the award. It might be what was faxed through. I think that's about all. We'll pick the rest up. We'll do in accordance with the way we want, this is only the draft order. We'll go off the record for a moment.

5 **OFF RECORD 9.20am**

**ON RECORD 9.35am**

COMMISSIONER: Any further submissions? No further submissions. I can indicate to the parties that the award will be varied in the manner sought and I'll hand down a written decision in due course.

10 The operative date will be the first full pay period to commence on or after today.

**HEARING CONCLUDED 10.35am**