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TRANSCRIPT OF PROCEEDINGS

O/N 9075

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER T.J. ABEY

T No 10570 of 2002

VETERINARY SERVICES AWARD

Application 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, Tasmania Branch to vary the above award re - wage rates.

HOBART

11.00 AM, WEDNESDAY, 18 DECEMBER 2002

HEARING COMMENCED

[11.00am]

PN1

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

PN2

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

PN3

THE COMMISSIONER: Thank you. Mr Tullgren, what is the position?

PN4

MR TULLGREN: Yes, thank you, Commissioner. This matter is an application to vary the Veterinary Services Award to do two things. Firstly to insert the State minimum wage clause in accordance with the State Wage Case decision and to then vary the rates of pay to bring them up where that is necessary to meet the State minimum wage. I would seek to tender a draft order that deals with the issue of the rates of pay.

PN5

THE COMMISSIONER: Yes, thank you.

PN6

MR TULLGREN: The draft order doesn't contain the minimum wage clause but that is certainly part of the application. The draft order would seek to vary the award effective from the first pay period on or after today and the first pay period on or after 18 June to increase the rates of pay so that on or after 18 June the State minimum wage rate of 431.40 would be the minimum wage rate in the award. I have had a discussion with my friend Ms Thomas over this. There is consent to varying the award in the terms sought and we would seek that the Commission vary the award operative from the first pay period on or after today's date.

PN7

THE COMMISSIONER: I take it from that, Mr Tullgren, that the minimum wage clause would go in operative from 18 June 2003.

PN8

MR TULLGREN: Yes, the variation would go in applicable today and the rates would be varying the two parts in the two legs effectively, so that by 18 June the minimum rate would apply.

PN9

THE COMMISSIONER: Yes, but we are also inserting the minimum wage clause the first time - - -

PN10

MR TULLGREN: Yes.

PN11

THE COMMISSIONER: - - - but we will do so in such a manner that it would take effect from 18 June 2003. Otherwise it would override this phasing in.

PN12

MR TULLGREN: Yes. Commission raises an interesting question to which I haven't directly turned my mind in relation to others that I have been involved in.

PN13

THE COMMISSIONER: I gather some of my colleagues, not so many of them these days, have deferred consideration of the minimum wage until that has occurred. My preferred approach is to actually put the clause in with a prospective date for no other reason than at least it is there and it is not forgotten about.

PN14

MR TULLGREN: Yes, that is certainly a reasonable course, my only concern would be there is a potential for confusion if someone was to pick up the award and sort of say there is a minimum wage clause without necessarily reading the detail. My friend Ms Thomas suggested that the clause could be amended to say that - yes, that the minimum wage clause would be operative - I suppose it really just becomes a matter of presentation in relation to the actual where it draws attention in the clause, simply putting some note at the bottom or at the top. I don't have a difficult I think - - -

PN15

THE COMMISSIONER: Conceptually.

PN16

MR TULLGREN: - - - with what the Commissioner is suggesting in relation to the award use.

PN17

THE COMMISSIONER: Ms Thomas, what do you say?

PN18

MS THOMAS: Yes, I would prefer to see the matter clarified in subclause (a) of the minimum wage clause. It makes it fairly plain and then an adjustment could be made to that clause once we are beyond this process next year when we look at safety net adjustments.

PN19

THE COMMISSIONER: Yes. And I take it that you are consenting to the
- - -

PN20

MS THOMAS: Yes, we give our consent to the variation of the award in the terms set out in the draft orders submitted. If it pleases. On and from - from the first full pay period on or after today's date.

PN21

THE COMMISSIONER: Very well. The application will be granted and the award varied in the term of the draft application. The operative date will be

from the beginning of the first pay period to commence on or after 18 December 2002, saving and except the phasing in arrangements and the minimum wage clause which will take effect from 18 June 2003. On that basis this matter stands adjourned.

ADJOURNED INDEFINITELY

[11.07am]