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TRANSCRIPT OF PROCEEDINGS

O/N 9218

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

2.30 PM, TUESDAY, 4 MARCH 2003

Continued from 20.2.03

HEARING COMMENCED

[2.41pm]

PN72

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

PN73

THE COMMISSIONER: Thank you. Is the AWU - have they made an appearance?

PN74

MR R. FLANAGAN: I appear on behalf of the Australian Workers Union, Tasmania Branch.

PN75

THE COMMISSIONER: Thank you. Now, who is going to address me on where we were up to with this as the purposes of today is for a report back.

PN76

MR PATERSON: Thank you, Commissioner. I have done some substantive work on this and I propose to put a draft up in submission on this. I provide that now.

PN77

THE COMMISSIONER: Okay. I have a document on the record that was simply one that accompanied the application I think. So this is the first - we will give this an exhibit number.

PN78

MR PATERSON: The first submission.

PN79

THE COMMISSIONER: And we will make that ASU1.

EXHIBIT #ASU1 DRAFT SUBMISSION

PN80

MR PATERSON: Whilst I am on my feet I also provide the parties with a compilation of an MRA process outline.

PN81

THE COMMISSIONER: Okay, I will mark that one ASU2.

EXHIBIT #ASU2 A COMPILATION OF MRA PROCESS OUTLINE

PN82

MR PATERSON: And speak briefly to them. I haven't circulated these as yet, they are based on discussions that we have had previously. I have circulated the various versions of this as it has been developed. I need to send

this copy to the Transport Workers Union, not being here today, to make sure they clearly have a definitive document as to where we are up to. I would just like to quickly go through it. If I can flick through the parts of it that I have in effect changed at this last moment. If the parties can turn to page 5, and before I do that the previous draft that was provided to the parties had new clauses highlighted and removed clauses strike through, so all of that annotation has been removed.

PN83

There is a new category of employee in part 2 on page 5, an intermittent employee. Skipping through to the wages at page 8, I have left the title of stores employee and transport support employee for the general positions in this award. These rates reflect the first MRA; in the previous draft were based on the outcome of the MRA process. I have removed the coach attendant provision because I have had no feedback from the Transport Workers Union on that and I don't believe it is in the current award. There is a lack of agreement at this point in time between the ASU and the Chamber of Commerce and Industry in respect of customer service officers, so that has been set aside from this application. On page - in the middle of page 9 - - -

PN84

THE COMMISSIONER: When you say set aside, you mean leave reserved or just - - -

PN85

MR PATERSON: Not pursued in this application.

PN86

THE COMMISSIONER: Not pursued, okay.

PN87

MR PATERSON: It may be that between now and the final sign-off on the variation to the award if agreement is reached then we may put something in. It is slightly different to an MRA process because we are really saying this is the appropriate classification level that applies and it may be that that is dealt with outside of this process anyway. In the middle of page 9 there is a proviso that saves the rates of pay as they are in the current award for those people who are currently in division A of the award, basically the bus proprietor section, grade 1 and 2. Those rates are higher than the outcome of the minimum rate process and I believe that would stay until third or fourth MRA.

PN88

Once the rates in the substantive wages clause catch up then that would become redundant. The next significant change is that our draft had the minimum rates - minimum wage clause in it, that has been deleted because there are rates in this that are below the minimum rate - minimum wage, but by the end of the MRA process the lowest rate of pay in the award will be up to the minimum wage.

PN89

THE COMMISSIONER: And then you will make application to put the minimum wage clause - - -

PN90

MR PATERSON: And if the - it would be our intent and put it on the record that it is our intent and seek the other parties' agreement that it would be the intent to include the minimum wage clause with the fourth minimum rates adjustment. And aside from that I believe there are no significant changes other than some formatting changes through the document. In this version, not necessarily our final version because I deleted certain pages rather than renumber and reprint the whole thing there is a blank page at page 28 which says this page is blank except for these words which are written on this page. And the header and the page number.

PN91

I believe the rest of it is essentially as has been agreed previously between the parties. It is a standardisation of the provisions that were previously in three different divisions and the appendix at page 56 outlines the substantive changes to the award as it exists at this point in time. With respect to ASU 2, this contains all four MRAs. It is based on the - the initial base rate for the first MRA is based on a rate of 365.20 applying traffic officer grade 2B after 12 months. That is in the final relativity 100 per cent rate. The MRAs are essentially the difference between the first base rate and the final base rate against the final relativities. And the final rates for relativities can be found on the - with the fourth MRA on the back two pages.

PN92

The MRAs themselves are just the difference divided by four with adjustments in the fourth MRA to adjust for any rounding off errors. I think I may need to - no, that is right. The other conundrum I had in preparing this draft order is at what point does a particular rate, in this case it is the traffic officer grade 2B, what point does that go from a safety net or 106 to 108 given the history? What I have done there is bring it in at 108 once the, I believe - well, anyway I brought that in at second MRA, but it is questionable as to whether you bring that in now on the basis of where the MRA would get to at the beginning of the process. Or where in the scheme of things that rate moves beyond 490.

PN93

THE COMMISSIONER: I think that is a matter for agreement between the parties.

PN94

MR PATERSON: So that is what I have done, I have brought that rate - the safety net for that classification to 108 in the second MRA. The point is it all ends up on track at the end.

PN95

THE COMMISSIONER: And the time frame?

PN96

MR PATERSON: Well, I believe that this is so close to agreement that it ought not to take very long, and I would appreciate the Commission providing some direction on that matter. Some direction to the parties as to an intent to have the matter finalised.

PN97

THE COMMISSIONER: Well, it is a matter of what is realistic. I can give you an indication of an available date. Wednesday, 26 March, is that realistic?

PN98

MR PATERSON: I think so.

PN99

THE COMMISSIONER: Okay, well we will set it down - - -

PN100

MR PATERSON: Gives us a full three weeks.

PN101

THE COMMISSIONER: Yes, I will set it down for 9.30 on Wednesday, 26 March. First of all I will hear from the other parties. Mr Flanagan?

PN102

MR FLANAGAN: We support what the parties have put forward, Commissioner.

PN103

THE COMMISSIONER: Thank you. Ms Thomas?

PN104

MS THOMAS: As you are aware, Commissioner, Andrew Cameron has carriage of this matter. I have discussed today's hearing with Mr Cameron. He is confident that there will be a consent draft order available for the Commission within a two to three week time frame. So the date that you have set aside is convenient. So we are not too far apart. If it pleases.

PN105

THE COMMISSIONER: Thank you. Well, therefore we will adjourn until 9.30 am on Wednesday, 26 March.

ADJOURNED UNTIL WEDNESDAY, 26 MARCH 2003

[2.55pm]

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