

AUSCRIPT PTY LTD

ABN 76 082 664 220

Suite 25, Trafalgar Centre 108 Collins St HOBART Tas 7000

Tel:(03) 6224-8284 Fax:(03) 6224-8293



TRANSCRIPT OF PROCEEDINGS

O/N 9076

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER T.J. ABEY

T No 10571 of 2002

LEATHER, CANVAS AND SHEET PLASTIC FABRICATION 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

PN1

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

PN2

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

PN3

THE COMMISSIONER: Thank you. Yes, Mr Tullgren?

PN4

MR TULLGREN: Thank you, Commissioner. This matter is an application to vary the Leather, Canvass and Sheet Plastic Fabrication Award to alter wage rates to reflect the last two State Wage Case decisions. It would be proposed that the first variation, increase in rates would occur from the first pay period on or after today and the second increase would commence from the first pay period on or after 1 July 2003 which would effectively mean that the award would be up to date in relation to wage adjustments prior to any State wage case that may be handed down in 2003.

PN5

I have unfortunately not - I thought I had a spare copy of the draft order, but I have got one with me which if we could use the good offices of the Commission to have photocopied and we have completed then to that. On the basis of that draft order which has been discussion with my friend Ms Thomas where there is consent, we would seek that the award be varied in terms of the draft order to come.

PN6

THE COMMISSIONER: Does that deal with the minimum wage clause?

PN7

MR TULLGREN: It doesn't because the award is the result of the adjustments that the Commission as currently constituted approved about a year or more ago actually took the rates beyond the minimum wage. I mean currently the level 1 for the employee with six months experience, the base rate without any adjustments is \$385. So none of the rates are below the minimum rates. I mean there is - it is not an award that has been varied for that. I suppose for completeness and tidiness there would be an argument that the award should contain the minimum rate clause even though it has no practical effect except, and I haven't discussed that with my friend, but I don't think we would have any objection to varying.

PN8

THE COMMISSIONER: Well, the Full Bench decision, the intention of the Full Bench decision in the State wage case was that ultimately all awards would have the minimum wage clause. So I think it would be desirable to put it in even if it doesn't have any practical effect at this stage. Something may happen in the future where it may.

PN9

MR TULLGREN: Yes.

PN10

THE COMMISSIONER: So if - I mean we can incorporate that as a matter of drafting if the parties are in the consent position.

PN11

MR TULLGREN: And if necessary, just formally for the record, I would seek leave to amend the application that we have lodged to the extent necessary to provide that the application would include amending the award to insert the minimum wage - the State minimum wage clause as established by the Full Bench of this Commission.

PN12

THE COMMISSIONER: Yes. Do you have any objection, Ms Thomas?

PN13

MS THOMAS: No.

PN14

THE COMMISSIONER: Well, leave is granted to amend as requested. Ms Thomas, what is your position?

PN15

MS THOMAS: Yes, we give our consent to the variation of the award as set out in the amended application. Just for your information note also, Commissioner, that in terms of the full meaning of the wage rates we have reverted to the format required by the wage fixing principles where the base rate safety net adjustment and weekly wage rate are now identified separately and the base rate relativity is also identified.

PN16

THE COMMISSIONER: Thank you. Having heard the parties I can indicate that your application will be granted. The award will be varied operative from the beginning of the first pay period to commence on or after 18 December 2002 save and except any operative dates which are specified to accommodate the second State wage adjustment to take place from 1 July 2003. On that basis this matter stands adjourned.

ADJOURNED INDEFINITELY

[11.11am]