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TRANSCRIPT OF PROCEEDINGS

O/N 8851

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT R.J. WATLING

T No 10412 of 2002

RETAIL PHARMACY AWARD

Application pursuant to the provisions of section 23 of the Industrial Relations Act 1984 by the Association of Professional Engineers, Scientists and Managers to vary award re delete from Part III - wages and related matters, the existing clause 7 - occupational superannuation and insert a new clause 7 - occupational superannuation

HOBART

10.30 AM, WEDNESDAY, 8 OCTOBER 2002

PN1

MR D. PYRKE: I appear on behalf of the Association of Professional Engineers, Scientists and Managers Australia .

PN2

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

PN3

MR PYRKE: Deputy President, my submission is based on the draft order which form part of the application. This draft order leaves unchanged existing clauses A to E inclusive. This means that the substance of the variation is in the proposed addition of subclauses (f),(g) and (h) which go respectively to additional employee contributions, frequency of payment and the statements of contributions. Subclause (f) is in the following terms:

PN4

F. Additional Employee Contributions.

PN5

1. Employees may make contributions to the fund in addition to those made by the employer.

PN6

2. Any employee who wishes to make additional contributions must authorise the employer in writing to pay into the fund from an employee's wages a specified amount in accordance with the trust fund deed and laws.

PN7

3. An employer who receives written authorisation from the employee must commence making payments into the fund on behalf of the employee in accordance with subclause (g) within 14 days of receipt of the authorisation.

PN8

4. An employee may vary his or her additional contributions by a written authorisation and the employer must alter the additional contributions in accordance with subclause (g) within 14 days of receipt of the authorisation.

PN9

Subclause (g) goes to the frequency of payment of the employer and employee contributions shall be paid to the fund monthly. Subclause (h), statement of contributions:

PN10

The employer will provide at the employee's request a statement of the contribution paid on the employee's behalf to the fund for the previous

financial year. This statement will be provided as early as possible after the end of the financial year but need not be provided if the employee's pay slips contain the relevant information.

PN11

Deputy President, in making the application the key objective is to minimise the risk that members may lose superannuation entitlements in situations where employers face financial difficulties. Subclause (g) is the clause that gives effect to this objective. Similar clauses are to be found in a number of awards in this Commission including the Architects Private Industry, Childcare and Childrens' Services, Civil Construction and Maintenance, and Clerical and Administrative Employees Private Industry. This being the case, I can say to you that you will not be breaking new ground to approve the application on this part of the application. The effect of subclauses (f) and (h) is to provide further regulation of the way in which employees' super contributions are handled and thereby give employees confidence in making such contributions.

PN12

If this in turn encourages high levels of employee contributions we will have potentially have played a part in ensuring higher levels of retirement income and this is a goal for which there is much community support. Deputy President, I submit that the application conforms with the current wage fixation principles. This being the case, I further submit that the application is consistent with the public interest. I also note that the application has been discussed with the employer associations with an interest in the award and I understand that it is proceeding by their consent. On the basis of this submission I believe it is open to you to make the order in the terms set out in the application and I ask you to do so. On the question of date of effect, I propose the first pay period commencing after 1 November this year. If the Commission pleases.

PN13

THE DEPUTY PRESIDENT: Yes, thank you. Ms Thomas?

PN14

MS THOMAS: Yes. This is a consent matter. We have agreed on the operative date to allow employers to make adjustments to their arrangements for contributions now that they are required to be on a monthly basis. So yes, it is a consent matter and we would endorse Mr Pyrke's submissions.

PN15

THE DEPUTY PRESIDENT: And in respect to the operative date?

PN16

MS THOMAS: Operative date - 1 November 2002.

PN17

THE DEPUTY PRESIDENT: Well, it is a fairly easy matter. I can indicate that I am going to approve the consent application. It is consistent with the wage fixing principles and also whether I am not convinced that it is not contrary to the public interest - in fact probably to the contrary and I will hand down a written decision in due course which will have the order attached and it

will be operative from your agreed date, that being the first full pay period to commence on or after 1 November 2002. That concludes this matter, thank you.

ADJOURNED INDEFINITELY