

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 9197

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 lodged 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

10.30 AM, THURSDAY, 20 FEBRUARY 2003

Continued from 19.12.02

PN47

THE COMMISSIONER: Now, a change in appearances?

PN48

MR A. CAMERON: I appear on behalf of the Tasmanian Chamber of Commerce and Industry.

PN49

THE COMMISSIONER: Thank you. Now, the purpose of today was for a further report back on the status of this application. Who is going to lead off?

PN50

MR CAMERON: Thank you, Commissioner. Mr Paterson on behalf of the union and myself have met in relation to this and there has been an exchange of draft awards. At this stage and in discussions this morning with Mr Paterson we are very close to a consent order. The points in contention at this stage revolve around the - what we are discussing as an intermittent employee which would cover school bus drivers. In some areas of the industry school bus drivers are engaged only during school terms and to avoid the use of casualisation in that area we are discussing a provision to be inserted into the award that will allow for continuous employment on an intermittent basis so that they are - - -

PN51

THE COMMISSIONER: As in the Child Care and Children Services Award?

PN52

MR CAMERON: Yes, they are stood down during those periods and then - - -

PN53

THE COMMISSIONER: During school holidays.

PN54

THE COMMISSIONER: - - - re-employed and there is a guarantee of ongoing work. The other areas that we are looking at are the hours of work for taxi drivers and that is purely a matter of putting the appropriate clause in. It is defined currently under the Public Vehicles Award for taxi drivers the hours of work are not restricted, other than that they are in five days up to eight hours, but there is no provision for - in relation to the penalties and things for weekends. The only other aspect is, there has been some discussion on the changes to the wage structure and in particular what will be referred to as traffic officers which are those people that work in depots and taxi centres receiving calls and the management of those calls, and the management of those traffic centres.

PN55

The increases there will be substantial and from an employers point of view we are discussing the introduction of a process to bring those rates up to par with those that will be the end result of this award review process. Other than that I

don't think there is many points where the parties are at odds. The other unions involved, Mr Flanagan has been kept informed of these matters and I understand Mr Paterson has also sent things to the Transport Workers Union. To date I have not had any feedback from the Transport Workers Union. Mr Paterson can advise the Commission as to his feedback there.

PN56

Other than that, Commissioner, I think that within a short period of time we would be in a position to hand up a consent order for this whole award. We may discuss that time frame after Mr Paterson has made his submissions to the Commission. I do know that these parties are back before this Commission for the Butter and Cheesemakers Award fairly early in March this year. That may be an appropriate time frame for this matter to be finalised.

PN57

THE COMMISSIONER: Thank you. It all sounds very promising.

PN58

MR CAMERON: It is down for 4 March.

PN59

THE COMMISSIONER: Right. Mr Paterson?

PN60

MR PATERSON: Thank you, Commissioner. I don't have anything substantive to add to what Mr Cameron has said. I haven't had any contact with the other parties. I will, probably as a result of our discussions today, prepare a union version of the consolidated or draft order and re-circulate that. One of the difficulties I have got at this precise point in time is recalling what some of my annotations on my September last year mean. I need to re-go back over those and just check exactly where we left it. I do confirm that whilst we are looking at a couple of different definitions and I would want to in particular check what we discussed today in relation to intermittent against the Child Care and Children's Award because I am aware that does have such a definition.

PN61

The principal issue for me is that they should be defined as continuing employees which I think ultimately is a better term than permanent in any event. And the expectation of continuing employment notwithstanding that it is intermittent and whether what sort of detail we need to go to. I don't think we need to go to the detail in a definition, I think a definition would be sufficient to say an intermittent employee is an employee who is engaged on a continuous but intermittent basis. Then in the body of the hours of work or contract of employment clause spell out that an intermittent employee is advised in each year of the periods of time which they will be required to work and not required to work.

PN62

I don't see - I mean partly because it is not our union's interest, I don't want to commit to anything in particular, and I don't think that an instrument like this should set out in effect to over-regulate what is a - if it is a comfortable practice

on the ground because it is not our area of coverage. I don't know how comfortable the practice is. If it is working and we are talking about small bus companies and they manage it well and the basic protections are in the award, then I don't think we need to be over proscriptive. But it is in - my critical concern is that such people have an expectation all things being normal of being employed in the next season or the next term. Then the obligation on the award is to the both parties to that specific contract of employment to spell that out.

PN63

The hours of work for taxi drivers, that is an almost - in part it is putting into our draft something that was in the award, just in a new place. There is a question as to whether - in my mind as to whether it should be brought into line with the rest of the award and made a 38 hour week, rather than a 40 hour week. We will need to talk further about that. We have had no, to all intents and purposes, had no discussion as yet on phasing via an MRA-type approach, but given that those are - that is effectively the extent of our differences I believe that we could be in a position to put a draft order back up to the Commission in March subject to what the other union parties' views on these matters. All I can undertake to do in that case is to provide them with this draft of where we are up to. Thank you.

PN64

THE COMMISSIONER: Thank you. Does anybody have the details of the Butter and Cheesemakers hearing on 4 March?

PN65

MR CAMERON: It is listed for 2.30 looking in my diary, but it has been known to be wrong.

PN66

MR PATERSON: No, that is what I have got.

PN67

THE COMMISSIONER: Okay. Right. We could set this one down for - actually I have got something big happening that day. We could set it down for 2 if we have got Butter and Cheesemakers at 2.30.

PN68

MR CAMERON: At this stage, Commissioner, without going into that other matter, I think the Butter and Cheesemakers is almost bedded down. So it is not going to be a particularly long matter. That could be heard, and I think the way we are going with this they could be heard at the same time.

PN69

THE COMMISSIONER: Well, we could put them down at the same time.

PN70

MR CAMERON: I think the same parties are involved in both matters. The Transport Workers Union do have some involvement I think in Butter and Cheesemakers, so I think it is generally the same parties.

PN71

THE COMMISSIONER: All right. Well, in that case we will adjourn this matter until 2.30 pm on Tuesday, 4 March 2003.

ADJOURNED UNTIL TUESDAY, 4 MARCH 2003