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TRANSCRIPT OF PROCEEDINGS

O/N 9074

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER T.J. ABEY

T No 10576 of 2002

BOOTMAKERS AWARD

Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 lodged by the Shop, Distributive and Allied Employees Association, Tasmania Branch to vary the above award re - wage rates.

HOBART

10.30 AM, WEDNESDAY, 18 DECEMBER 2002

HEARING COMMENCED

[10.32am]

PN1

MR P. GRIFFIN: I appear on behalf of the Shop, Distributive and Allied Employees Association, Tasmanian Branch.

PN2

MR D. SHIRKEY: I appear on behalf of the Textile, Clothing and Footwear Union.

PN3

MR I. PATERSON: I appear on behalf of the Australian Municipal, Administrative, Clerical and Services Union.

PN4

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

PN5

THE COMMISSIONER: Thank you. Mr Griffin, where are we at?

PN6

MR GRIFFIN: Thanks, Mr Commissioner. As the application does outline that we are seeking two wage increases there, being \$10 each in instalments. For the first one to commence from 1 December this year just gone and also the second to be effective from 1 July 2003. I am able to say that the parties have had some discussions and in agreement with that application and that it goes through in that format. But also we would be seeking here today to amend the application in respect of reformatting the award further and that to take place in the new year. We would be seeking, you know, to upgrade and modernise the particular award as I say next year and maybe set down some times or whatever.

PN7

THE COMMISSIONER: Yes, now has this award got the minimum wage clause in it?

PN8

MR GRIFFIN: That as I understand has been completed. All the base rates and those have been adjusted, the safety net has been implemented.

PN9

THE COMMISSIONER: Right. So we are only dealing with - just bear with me for a moment - - -

PN10

MR GRIFFIN: I do have - - -

PN11

THE COMMISSIONER: Trainee entry level.

PN12

MR GRIFFIN: Yes, the trainee entry level in respect of the division (e) and division (d). Now, I do have a document here, I don't know whether you are in - you do have possession of one that - - -

PN13

THE COMMISSIONER: Hang on.

PN14

MR GRIFFIN: - - - would have an upgrading that has been done by the Chamber.

PN15

THE COMMISSIONER: If we could just - I am just trying to identify specifically the classification we are dealing with.

PN16

MR GRIFFIN: Right.

PN17

THE COMMISSIONER: Now, your application says division (b) trainee entry level.

PN18

MR GRIFFIN: Yes.

PN19

THE COMMISSIONER: Is that the one you are talking about, because that is currently 431.40? Ms Thomas, can you - - -

PN20

MS THOMAS: Excuse me, Commissioner, yes. It is the first year sales assistant rate appearing in division (e) that was the one that needed to be adjusted to bring it up to 431.40 and in the draft document we have given you today we propose that that division (e) reflect a two stage increase. The first increase to operate from today's date, first full pay period and the second increase to occur from the first full pay period commencing on or after 18 June. Now, one thing I didn't think to put into this award and if it is appropriate now is to actually put in the minimum wage clause itself.

PN21

THE COMMISSIONER: Yes, well it would be. I was just tossed there for a moment because the application is referring to division (b) but it is division (e) that we are talking about?

PN22

MR GRIFFIN: Yes, that is right. I apologise for that.

PN23

THE COMMISSIONER: It would be appropriate to - the neatest way to deal with this I think is to put the minimum wage clause in operative from this to coincide with the second stage of the phasing in.

PN24

MS THOMAS: Yes, I do. I beg your pardon it is in there. I did remember to put it in. It is clause 5 of the wage rates clause.

PN25

THE COMMISSIONER: I haven't got this document, do you have a document do you?

PN26

MR GRIFFIN: I do have a document which we can hand up.

PN27

THE COMMISSIONER: So this is a consolidation of the existing award, but it hasn't been modernised in terms of what Mr Griffin was saying earlier?

PN28

MS THOMAS: It has been modernised to some extent. It has been brought into line substantially with the Commission's guidelines on the drafting of awards.

PN29

THE COMMISSIONER: Okay.

PN30

MS THOMAS: It incorporates the minimum wage adjustment that needed to occur with that wage rate. We have placed in the award carers leave, so some things have happened. We have put in a simplified parental leave provision and also simplified the clerical structure. So in terms of hours of work, superannuation which probably still needs some more work, those things haven't happened at this stage.

PN31

THE COMMISSIONER: No. So effectively you are foreshadowing ongoing negotiations on those particular matters.

PN32

MR GRIFFIN: Yes.

PN33

THE COMMISSIONER: But so far as this particular application is concerned we can deal with it today in terms of the draft order that has been submitted

- - -

PN34

MR GRIFFIN: Yes.

PN35

THE COMMISSIONER: - - - and then you can come back with a separate application in the event that there are further changes.

PN36

MR GRIFFIN: Okay.

PN37

THE COMMISSIONER: Sorry, we are getting a bit out of order. Mr Shirkey, what is your position?

PN38

MR SHIRKEY: Similar to what is theirs in regard to formatting the award. We actually had a format '98/'99 and I don't know what was accepted or not, it was passed out when we had a conciliation hearing and whether that was going to be the basis of upgrading the award, I am not sure. When I read that new document I will check it with the format that we had and any changes we can then put to use in regard to making it correct.

PN39

THE COMMISSIONER: Thank you. Mr Paterson?

PN40

MR PATERSON: Thank you, Commissioner. I can foreshadow our consent. I have had a look at the specific change in relation to the wage rates and agree that that is an appropriate weight on them in this. I can also foreshadow that errors and omissions excepted, I believe that this is formatted as Mr Shirkey said, this in fact was the award that triggered the review of the parental leave clause when it was one of the early awards looked at for the reformatting for I think the '98 wage case I think it was. But in any event it has sort of like come its time. There clearly is further work to do and some of it which would be easy to do and some of it which is probably not warrant the attention that it is there.

PN41

The clerical classifications have had one or two minor changes. I think it is level 2 includes a reference to email functions. To all other intents and purposes it is just a reformatting of those classifications and they are the same as the Clerical and Admin Employees Award with out the level 7 as the current award didn't have a seventh level. I see that this reformatted version should be able to be processed quite quickly. Unless the parties commit to putting serious effort into things like simplifying a single set of hours clause or a single set of annual leave clauses, I don't believe that that is probably warranted or necessary.

PN42

I do believe the superannuation clause needs to be addressed because it still refers to 3 per cent and I have indicated to the other parties here that I am willing to look at a clause that merely refers to relevant Federal legislation and retains in the award any provisions that are better or exceptional that people, we believe, should continue to enjoy. So that said I can indicate that I do support this particular variation to the wages and foreshadow that agreement to the reformatted award in the near future.

PN43

THE COMMISSIONER: Thank you, Mr Paterson. Ms Thomas, the minimum wage clause 5 on its face takes effect from the operative, or from presumably today. Is that your intention?

PN44

MS THOMAS: It could be worded so that it perhaps states that it takes effect as of the - when that 431.40 comes in on 18 June. So maybe some suitable words could just be added to say that it operates from that date.

PN45

THE COMMISSIONER: Yes. Is that acceptable to - - -

PN46

MR GRIFFIN: Yes.

PN47

MR PATERSON: Yes, Mr Commissioner.

PN48

THE COMMISSIONER: Minimum wage, so we will amend that to operate from 18 June, is that the figure?

PN49

MR PATERSON: Yes, that is correct.

PN50

MS THOMAS: That could appear in subclause (a) where it states, "No employee shall be paid less than the minimum wage," on, you know, from the 18th.

PN51

THE COMMISSIONER: Yes, that - we will make a note of that and apply that. If there is nothing further for the record I would indicate that the application will be approved. Operative as from the beginning of the first pay period to commence on or after today, save and except the phasing in arrangements and the minimum wage clause which will operate from specified dates. On that basis this matter is finalised and the Commission stands adjourned.

ADJOURNED INDEFINITELY

[10.45am]