



Tasmanian Industrial Commission
Industrial Relations Act 1984

T No. 9119 of 2000

IN THE MATTER OF an application by
the Shop, Distributive and Allied
Employees Association, Tasmanian
Branch to vary the Hairdressers Award

Re: to reflect the decision of the
Australian Industrial Relations
Commission of April 1999, contained in
Print R1999 Safety Net Review - Clause
8 - Wages and Clause 11 - Certificate
Allowance

DEPUTY PRESIDENT WATLING

HOBART, 21 August 2000

TRANSCRIPT OF PROCEEDINGS

Unedited

(WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY)
(ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS)

HEARING COMMENCED 10.30am

DEPUTY PRESIDENT: I'll take appearances in this matter please.

MR P. NOONAN: If the commission pleases, I appear on behalf of the Shop Distributive and Allied Employees Association, Tasmanian Branch - NOONAN P.

DEPUTY PRESIDENT: Thank you, Mr Noonan.

MR A. FLOOD: Thank you, Mr Deputy President, ANDREW FLOOD from the Tasmanian Chamber of Commerce and Industry.

DEPUTY PRESIDENT: Good. Thank you.

MR A. STEVEN: Mr Deputy President, TONY STEVEN on behalf of the Retail Traders Association representing the Hairdressing Federation of Tasmania.

DEPUTY PRESIDENT: Good. Thank you. Mr Noonan?

MR NOONAN: Yes. Thank you, Mr Deputy President. Our application is for the \$12 safety net adjustment available under decision T8483 of 1999, and perhaps if I hand up an extract of that decision.

DEPUTY PRESIDENT: Good. Thank you. We'll mark this **EXHIBIT SDA.1.**

MR NOONAN: If I take you to that at the front page there where it's marked or highlighted 'T8483 of 1999' and it is in relation to the safety net adjustment of that year.

Over on the next page it is highlighted 'The Principles', and then if I take you to the following page we've got on the bottom part there 8 of the Principles - Arbitrated Safety Net Adjustment and it states there:

All wage rates in private sector minimum rates and paid rates awards, including junior, apprentice and trainee rates (on a proportionate basis) will be varied to include arbitrated safety net adjustments in accordance with the following schedule, on and from beginning of the first full pay period to commence on or after 1 August 1999.

And it goes down there and I've highlighted that part of the safety net adjustment of \$12.

Then we go over to the following page and I've highlighted that again and it says there:

- a period of at least 12 months has elapsed since the wage rates in

in the award were increased to reflect the first instalment of the safety net adjustment arising out of the July 1998 State Wage Case.

5 Well, Mr Deputy President, there has been an elapse of 12 months and perhaps what we're seeking today is the award to be varied by that \$12 safety net adjustment.

Now if I may hand up - or if I may just take you to the present principles, and that's the principles of July of 1999 and I believe that you sat on that full bench.

10 DEPUTY PRESIDENT: I did.

MR NOONAN: In Attachment A - The Principles - it makes reference to previous State Wage Cases and where the safety net adjustments haven't been flowed on and what it says there in 2 - Previous State Wage Cases:

15 *Increases available under previous State Wage Case decisions such as structural efficiency adjustments, minimum rates adjustments and previous arbitrated safety net adjustments will, on application continue to be accessible.*

So that's what we're seeking today, Mr Deputy President.

20 If I may hand up a draft order in relation to the \$12 safety net.

DEPUTY PRESIDENT: We'll mark this **EXHIBIT SDA.2**.

25 MR NOONAN: In my draft order SDA.2, you'll find that the wage rates under clause 8 have been varied by - and if you look down at the middle column there, Supplementary Payments, they have been increased by \$12 and that is reflected in the weekly rates.

If you go over to the next page, I've crossed these couple of pages out here because I don't believe they're relevant to this stage, but then if you come to -

30 DEPUTY PRESIDENT: So you're saying that the support of the wage provision that's in the award at the current moment is left untouched by this application.

MR NOONAN: Yes, sir.

DEPUTY PRESIDENT: Right.

35 MR NOONAN: And if we go over to page 3, I believe it is - and I apologise the pages aren't marked - no, it's page 4.

DEPUTY PRESIDENT: Just give me the heading.

MR NOONAN: Apprentices.

DEPUTY PRESIDENT: Yes.

MR NOONAN: You'll find that the apprentice percentage there - or the figure of the apprentice has been adjusted; that reflects percentage weekly wage rate for Classification 2 of Section 1, subclause (a) hereof, so that has been varied also by the \$12. Then if you go over to the following page you'll find on the top of that page percentage of 371.

Now a little bit of - well, I'd just like to clarify that. That isn't a percentage of an adult wage rate as -

DEPUTY PRESIDENT: No, it's just a figure.

MR NOONAN: Just a figure - and we've added \$12 to that, yes.

DEPUTY PRESIDENT: Right.

MR NOONAN: Then underneath that you'll find the percentage of a weekly wage rate for Classification 6, Section 1, subclause (a) hereof - and that's a figure as expressed in the adult wages of section 8 of the award.

DEPUTY PRESIDENT: Can I just say on that point on junior workers pay, I'd strongly recommend to the parties that if they're doing any review that they should probably relate it back to a percentage of an adult rate. I don't know why it was that way. Some people may blame me for doing this some 20 years ago, I don't know, but I think in this day and age it's probably more appropriate to have it as a percentage of the weekly wage rate for adults and I think you can play around with the figures. If you want the same figures to come out you can play around then with the percentages, but I think it's good practice to tie it back to something rather than just plucking a figure out of the air like that. But anyway, you might take that on board if you're doing any review.

MR NOONAN: Yes, sir. Well, currently we're having discussions and we will take that on board for future applications.

DEPUTY PRESIDENT: Well, I'd strongly recommend you look at that. It would be one of the only awards around - there's a couple, I suppose that just have this figure plucked out of the air at this level. But it's not wise.

MR NOONAN: No, I take that on board, Mr Deputy President, and it threw a little bit of confusion in my mind this morning when I was going through it as well.

DEPUTY PRESIDENT: Right.

MR NOONAN: Then we follow on to the allowances and the certificate allowance has been increased by, I believe, 10 cents in accordance with provision 7 of the principles.

5 Mr Deputy President, we believe that the application does not offend section 36 of the Act in relation to the public interest.

The operative date we would seek would be the first full pay period on or after today's date which is 21 August.

DEPUTY PRESIDENT: Good. Thank you.

MR NOONAN: If the commission pleases.

10 DEPUTY PRESIDENT: Mr Flood?

MR FLOOD: Thank you, Mr Deputy President. It's my understanding that this application is in accordance with the Wage Fixing Principles already determined by this commission and as such I'm not intending to oppose the application. I would support Mr Noonan's submission to you that the operative date should be the first full pay period to commence on or after today.

20 And finally, Mr Deputy President, I can say that in the discussions that the TCCI has had with the SDA to date on a restructure of the award we have recognised the potential problems with those junior rates and apprentice rates and that should be addressed in the near future.

DEPUTY PRESIDENT: Thanks, Mr Flood. Right. So any further submissions, Mr Steven?

25 MR STEVEN: Mr Deputy President, I have no objections to anything that's been said here this morning.

DEPUTY PRESIDENT: Right, and you support the award being varied in the manner sought? That nod means yes for the transcript?

MR STEVEN: Oh, sorry, yes.

30 DEPUTY PRESIDENT: Unfortunately the transcript can't see nods. Right, well I can indicate to the parties then I will be varying the award in the manner sought and from the operative date of the first full pay period to commence on or after today. I'll hand down a written decision in due course and the orders will be attached.

The matter is now concluded.

35 **HEARING CONCLUDED 10.41am**