

**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**

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O/N 9081

### **TASMANIAN INDUSTRIAL COMMISSION**

#### **COMMISSIONER P.C. SHELLEY**

**T No 10458 of 2002**

#### **PUBLIC VEHICLES AWARD**

**Application pursuant to the provisions of  
section 23 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**

**9.30 AM, THURSDAY, 19 DECEMBER 2002**

**Continued from 25.10.02**

PN22

MR R. ROLLINS: I appear on behalf of Tasmanian Chamber of Commerce and Industry.

PN23

THE COMMISSIONER: Thank you. Now, where we left it on the last day which is on 25 October there were going to be meetings between the parties and further discussions and also I think some consultation with the members of the TCCI. So I am anxious to hear how that has progressed.

PN24

MR PATERSON: Thank you, Commissioner, I can report that I have met with Mr Andrew Cameron of the Chamber and following that meeting I revised our draft order and circulated that to the other unions as well as to Mr Cameron. In many respects I think the matters that relate to formatting and the general provisions of the award will be resolved by agreement and probably largely settled already. Mr Cameron identified some issues that will need to be addressed from an employer point of view in relation to school bus drivers and I suggested that a seasonable or intermittent category of employee may be an appropriate way to manage that. There were also - - -

PN25

THE COMMISSIONER: But that is still at the discussion stage you haven't got agreement - - -

PN26

MR PATERSON: That is still at the discussion stage.

PN27

THE COMMISSIONER: - - - from Mr Cameron that that is the way to manage it.

PN28

MR PATERSON: I have put it to him and suggested that he look at coming back to us with a definition of intermittent employee or something similar. There is some difficulties in the award that allow for, I think, a 10 day period of effectively stand down when there is no business, but the reality is for those who only do school bus routes, then they are not working during school holidays unless they are otherwise employed in the bus company or a shop that the bus company runs or something like that.

PN29

So more than happy to look at that in the interests of guaranteeing the continuity of employment of those sort of employees and I guess there will be some issues that need to be sorted out. Some of those people may properly be permanent and continuously employed. So we don't want to make everybody an intermittent employee just because they drive on a school bus route. And fundamentally that is not our issue, that is really an issue for the employers and the TWU to sort out, not for me.

PN30

The issue of introducing standard 38 hours type provisions raises the need for special considerations in respect of taxi drivers and again I haven't endeavoured to address that and I believe that is for the employers and the TWU to come to terms with. The matter that we didn't progress with any degree at all really was the union's proposals for the classifications rates of pay for what are currently called traffic officers in the award. Whether that can be resolved in the - between now and February remains to be seen.

PN31

Certainly it is a glaring inequity when a permanent night shift gets this and the minimum wage, but I imagine that a phasing in process and minimum rates process for adjustment of that may well see something that can be implemented. I think that is also a manageable issue in that if we had to do inspections we would probably only have to visit two or three sites. There is two major traffic control rooms in Hobart with City Cabs and Taxi Combined. City Cabs, I think, also services through their control room, they service Launceston and I believe one of the North West taxi companies as well.

PN32

Most of the rest are small operators. So it is not a huge industry in terms of the number of traffic officers employed in taxi companies in Tasmania and you would probably interview all of them in a day and a half and certainly the employers are a specific number of people the TCCI would have to consult with. However, I do acknowledge that that, together with shift penalty rates, would make a very significant impost on the industry and recognise that we need to again to manage that.

PN33

I haven't had any feedback from either of the other unions, but notwithstanding all of that, I believe that we will be able to. Those matters that we are close on I think we will no doubt finalise before the next hearing and we should be clear on exactly what our differences are in respect of wage rates and hours of work. If the Commission pleases.

PN34

THE COMMISSIONER: Thank you. Right, Mr Rollins, and perhaps you can tell me whether or not the TCCI has had any discussions with the TWU about the issues that Mr Paterson has referred to?

PN35

MR ROLLINS: Just to let you know that Andrew Cameron still has carriage of this matter, I haven't taken it over, but Andrew is engaged in a hearing on the North West Coast this morning and was unable to attend. From instructions that he has given me the ASU has provided us with a revised version of the award incorporating some of the changes which they discussed and that has gone out to our members for consideration. At this stage his report is that the matter is progressing well and the differences are not insurmountable.

PN36

He stated that the parties have met with good intention. In regards to the TWU, they have not responded so far to any of our approaches. And we don't know

what their views are as of yet. Due to the fact that they have failed to communicate with us.

PN37

THE COMMISSIONER: The TWU will be down here early in the new year on some other matters to do with the Transport Workers General Award if you like informally later I can give you those dates. It might expedite some discussions that could take place whilst they are here.

PN38

MR ROLLINS: I think that would be useful because our usual channels of communication don't seem to be that successful at the moment.

PN39

THE COMMISSIONER: All right, thank you. Is there anything to add, Mr Paterson?

PN40

MR PATERSON: No, thank you, Commissioner.

PN41

THE COMMISSIONER: Okay, well I take it the next stage is further report back on 20 February. Are you waiting until you have got as far as you can go in terms of agreement and the identification of any outstanding matters that might need arbitrating, or are you going to be doing, where there is agreement, consent orders in relation to those earlier? Or wait until it is a whole package?

PN42

MR PATERSON: The particular things of interest to us are the big ones of course and I don't know that we can do the reformatting, even just - even if we weren't to address the classifications and wages, the hours of work clauses is a major change from 40 to 38 in respect of division (b) and the - it would be possible and I am more than happy to consider that. It is just that it - against the draft orders that I have prepared, the hours of work would have to be, if you like, almost put back where they were otherwise we would end up with a complex hours of work clause which says three different sets of hours of work.

PN43

On the other hand I not sure if this - I think this award - just bear with me for a minute. This award does have carers leave so that is not an imperative for reformatting. So I think my view would be that we would wait until we can progress the matters in total.

PN44

THE COMMISSIONER: Wait, yes. Okay.

PN45

MR PATERSON: Unless we are going to end up with the position where the only matter that was not agreed was the wage rates, then I would be happy to look at an application for the rest, but the hours of work again is a significant matter that I think needs to be addressed.

PN46

THE COMMISSIONER: Well, in that case we will adjourn until 20 February 2003 at 10.30 for further report back. Thank you.

**ADJOURNED UNTIL THURSDAY, 20 FEBRUARY 2003**

**[9.45am]**