

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 9071

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER T.J. ABEY

T No 10603 of 2002

HOSPITALS AWARD

Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 lodged by the Health Services Union of Australia, Tasmania No. 1 Branch to vary the above award re - to give effect to the Full Bench decision in the July 2002 State Wage Case (T10230 of 2002) concerning the minimum wage and the annual leave loading clause

HOBART

9.30 AM, WEDNESDAY, 18 DECEMBER 2002

HEARING COMMENCED

[9.37am]

PN1

MR T. KLEYN: I appear on behalf of the Health Services Union of Australia, Tasmania Number 1 Branch.

PN2

MR M. WATSON: I appear on behalf of the Tasmanian Chamber of Commerce and Industry.

PN3

THE COMMISSIONER: Thank you, Mr Watson. Yes, Mr Kleyn?

PN4

MR KLEYN: Commissioner, The T10603 vary an action of the Hospitals Award is to give effect to the Full Bench decision in T10230 of 2002 handed down on 11 July this year. I have some draft orders for the Commission. This matter is a very straight forward one. The award already deals with the annual leave loading of 17 1/2 per cent. So I wish to advise you that the only change made to this award, there is a few minor changes, level 1 of the clause 8 wage rates subclause (a) administrative and clerical employees, the level 1 first year of service the rate of pay moves from 22,005 I think it was, to 22,432 to reflect the minimum wage of \$431.40.

PN5

THE COMMISSIONER: Just bear with me, that is the first year of service?

PN6

MR KLEYN: Yes, level 1 first year of service is the only movement. All the other rates are appropriate and there are no other changes proposed in any of the other rates either in subdivisions (a), (b), (c) or (d). There are some - there is also a new subclause inserted into the wages clause, that is subclause (e) and that is the minimum wage clause which was determined by the Full Bench in T10230. So that becomes now subdivision (e) of clause 8 and as a consequence of inserting subclause - subdivision (e), subdivisions (f), (g), (h) and (i) are renumbered.

PN7

I think they are currently meal charges with (e) that now becomes (f); tool allowance was (f) now that now becomes (g); remote call allowance was (g) now becomes (h); and the supported wage system goes from (h) to (i). They are the only changes to the award. I believe, Commissioner, that they are consistent with the public interest test contained within the Industrial Relations Act. They are also consistent with the wage fixing principles and they give effect to that Full Bench decision.

PN8

THE COMMISSIONER: Thank you, Mr Kleyn. Mr Watson?

PN9

MR WATSON: Thank you, Commissioner. Just one thing in relation to the order that I meant to mention to Mr Kleyn before we started. The actual, on

that first year of service of admin and clerical the actual base rate needs to be increased because otherwise the figures don't add up.

PN10

THE COMMISSIONER: Okay.

PN11

MR WATSON: So the base rate needs to be 169.20 plus your 55.12 which would equal 224.32.

PN12

THE COMMISSIONER: Thank you.

PN13

MR WATSON: Okay, and the other thing too is something I have just noticed is in the remote call allowance which is subclause (h) I think that should be 1 August 2002 shouldn't it, not 2001? Because this would have come from the State Wage Case.

PN14

THE COMMISSIONER: Yes. Can you throw any light on that, Mr Kleyn?

PN15

MR KLEYN: I am just having a look at the order that was handed up after the State Wage Case. Remote call allowance - well, the order issued by the Commission on 26 August 2002 has in the remote call allowance clause, "To commence on or after 1 August 2001."

PN16

MR WATSON: Okay, I reckon that may be an error.

PN17

THE COMMISSIONER: Yes. We will note that. Check remote call allowance. And if it needs to be changed I assume the parties are happy to have it changed in there.

PN18

MR KLEYN: Yes.

PN19

MR WATSON: Yes, that is fine. Commissioner, our position on this matter is that the minimum rate we are consenting to a movement to 224.32 with that amendment to the base rate in accordance with the Full Bench decision and we would support an operative date of the first full pay period on or after today's date. If it pleases.

PN20

THE COMMISSIONER: Thank you, Mr Watson. Having heard the parties the award will be varied in accordance with the draft order as adjusted from the hearing. The operate date will be the beginning of the first pay period to commence on or after today which is 18 December 2002. That concludes that matter.

ADJOURNED INDEFINITELY

[9.44am]