



Tasmanian Industrial Commission

Industrial Relations Act 1984

T No. 9940 of 2001

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

Re: 2nd minimum rates adjustment

T No. 9947 of 2001

IN THE MATTER OF an application by the Hairdressing Federation of Tasmania to vary the Hairdressers Award

Re: Principle 12 (Award Review Process) of the Wage Fixing Principles

COMMISSIONER IMLACH

HOBART, 14 December 2001

TRANSCRIPT OF PROCEEDINGS

UNEDITED

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

HEARING COMMENCED 10.45am

COMMISSIONER: I'll take appearances.

MR P. GRIFFIN: Thank you, Mr Commissioner. I appear on behalf of the Shop Distributive and Allied Employees Association, Tasmanian Branch –
5 GRIFFIN, P.

COMMISSIONER: Thanks, Mr Griffin.

MR F. IRELAND: If the commission pleases, FORBES IRELAND appearing on behalf of the Hairdressing Federation of Tasmania.

COMMISSIONER: Thanks, Mr Ireland.

10 MR IRELAND: In both matters.

MR R. ROLLINS: May it please the commission, RICHARD ROLLINS from the Tasmanian Chamber of Commerce and Industry appearing in both matters.

15 COMMISSIONER: Thanks, Mr Rollins. I understand the parties want these matters to be joined, is that so, Mr Griffin?

MR GRIFFIN: That's quite correct, commissioner.

COMMISSIONER: Mr Ireland?

MR IRELAND: No problems with that, sir.

COMMISSIONER: Good, all right, we'll join them. Yes, Mr Griffin?

20 MR GRIFFIN: Thank you, commissioner. Firstly, my apologies for the lateness and to my colleagues here as well as I miscalculated the number of works being done on the highway on the way down, so I do apologise for that.

Firstly, with the application which was submitted by the association which was T9940 which goes to the point of implementing the second minimum rates
25 adjustment which flows on from the first adjustment which was agreed amongst the parties going back to, I think it was December 2000, and that the first minimum rates adjustment would be implemented during the end of the first half of this year and it came in some months ago, our intention here is to set down this process or the implementation from 1 January 2002. I did
30 forward a draft copy – or a draft variation in respect of the wages classifications and if you haven't got that I can forward you a copy at this.

COMMISSIONER: I have that; that's part of the application.

MR GRIFFIN: That's right.

COMMISSIONER: Yes, I have that, Mr Griffin.

35 MR GRIFFIN: And I believe the other parties have one as well, if not, I can provide.

COMMISSIONER: Yes.

MR GRIFFIN: As you mentioned earlier, this is linked also with an application lodged by the Hairdressing Federation in respect of the award review process and there has been a number of discussions between the parties.
40 This goes back to August of this year and even further back to December last year. My view is that progress is being made in respect of that and there are a couple of ends which still require some tidying up which perhaps Mr Ireland can refer to later during this hearing.

45 But initially, what the association is seeking is that second minimum rate adjustment which I say is shown in the draft attached to the application we submitted on 30 November.

COMMISSIONER: What about operative date 1 January.

MR GRIFFIN: Yes, that is correct.

50 COMMISSIONER: Yes, all right, thanks, Mr Griffin.

MR GRIFFIN: Good. Thank you, Mr Commissioner.

COMMISSIONER: What do you say, Mr Ireland?

MR IRELAND: I have something to say, Mr Commissioner, on these matters as you'd appreciate. We certainly agree that both matters be joined as there is a
55 clear link between the two applications before you.

The Hairdressing Federation of Tasmania does in principle support the application of the minimum rates adjustment. It did so when the initial application was put forward. It recognises the importance of pay equity, if you like, with regards to the industry and has indicated its support in phasing in the
60 minimum rates adjustment to the Hairdressers Award.

As you're well aware, commissioner, and as the parties are also well aware that inextricably linked with the minimum rates adjustment process is a restructuring of award classifications and that process has been discussed and is still in the discussion mode with regards to the award review process, hence
65 the link between the two applications.

As Mr Griffin has indicated, there has been significant progress made with regard to the award review process and that is hopefully coming to a climax with regards to agreement on all matters. However, there are still some points that are yet to be resolved and one of those issues does go to the restructuring

70 of the classifications in the award. So there is a definite issue there with regards
to the minimum rates adjustment and the award review process.

It would be our position that we would continue to in principle support the
application of the minimum rates adjustment and hopefully we would like to
see that come in from 1 January. However, that is dependent on the
75 restructuring of the award – or the award review process being completed and
we would ask today that the issues be adjourned – this matter be adjourned –
until an early date – hopefully before the end of next week – and I do
understand that you do have some time available – to enable the parties to sign
off and try and work their way through the outstanding issues that remain.

80 Commissioner, I can indicate to you by just looking at this – showing you this
document here that we're that far advanced. We've got pretty much a document
in place, just some issues to be finalised. But they important issues.

We would also like to see in joining these matters that the outcome of the
award review process and the minimum rates adjustment and potentially the
85 application of the 2001 safety net adjustment be contained in the one document
to avoid confusion throughout the industry because the industry is faced next
year within a short time frame of potential significant increases in rates of pay
at a time when the industry isn't travelling all that well, so we would like to
think that there is some way that we can rationalise the implementation of
90 those what will be three wage factors; the restructuring of the award factor, the
minimum rates adjustment factor and the 2001 safety net adjustment factor. So
there are three issues that have to be contemplated in a relatively short time
frame.

Having said that, we still are confident and do look forward to be able to
95 resolve these outstanding issues with my friend, Mr Griffin, with a view to
coming back to you with an agreed position on all matters which would
hopefully package it up nicely and enable us to move into the new competently
in this area. If the commission pleases.

COMMISSIONER: Yes, thanks, Mr Ireland. Mr Rollins?

100 MR ROLLINS: Thank you, commissioner. The TCCI endorse the comments
of Mr Ireland in regards to the second MRA increase to this award, particularly
on it not going forward today until the restructuring and review process has
completed. I note in paragraph three of the commissioner's decision on 16
August 2001 – T9650 – that the first MRA was to be regarded as an interim
105 increase only and a continuation of the MRA process was to be subject to the
settlement of the review and restructuring of the award within six months.
Simply because the award review and restructuring process has not been
completed we would like to see the conditions of that decision met before we
move forward with any second MRA increase to this award which I understand
110 from Mr Ireland's comments that progress has been made; there are some

outstanding issues but we'd like to see them put together after discussions, as I understand, taking place next week. If the commission pleases.

COMMISSIONER: Thanks, Mr Rollins. What do you say about all that, Mr Griffin?

115 MR GRIFFIN: Yes, thanks, commissioner, that's very much referring firstly
to Mr Ireland's comments very much to what we have been discussing over the
last number of weeks in respect of getting a new classification through the
award review process. I do believe that we can get to a settled position as close
120 as the end of next week. I would also just remind all parties that although it
was agreed in the decision in August that there was an interim decision only
the MRA being implemented at that time and that there would be some work
done in the review process of the award, but we should also remember that the
MRAs that's a process that's been before this commission for quite some years
125 and it shouldn't really reflect on the applications being put in and then being
implemented. But nevertheless, that's what we did come to at that time and I
see that we can come before the commission very soon with a completed
document in respect of those three issues that Mr Ireland mentioned, namely
the minimum rates adjustment, the review process on the award and the safety
net increase that was bought down earlier this year.

130 COMMISSIONER: Yes. In other words, you're not opposing the
adjournment, is that right?

MR GRIFFIN: No. In a nutshell, no.

COMMISSIONER: All right, thank you. Well what we'll do is we'll adjourn
and I'll have a word with Mr Griffin first then with the other parties. Thank
135 you.

INTO CONFERENCE 11.00am

NO FURTHER PROCEEDINGS RECORDED