



TASMANIA

*Tasmanian Industrial Commission*

Industrial Relations Act 1984

T No. 8076 of 1998

**IN THE MATTER OF** an application by  
the Tasmanian Chamber of Commerce  
and Industry Limited to vary the  
National Training Wage (Tasmanian  
Private Sector) Award

Re: Schedule A

COMMISSIONER WATLING

HOBART, 19 January 1999

**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**

COMMISSIONER: I'll take appearances in this matter please.

**MR R. BROWN:** If the commission pleases BROWN R, appearing for the TCCI.

5 COMMISSIONER: Good. Thank you.

**MR K. RICE:** If it please the commission, RICE K. J. I'm seeking leave to intervene, commissioner, on behalf of the Tasmanian Farmers and Graziers Employers Association.

10 COMMISSIONER: Under what section of the Act are you seeking leave to intervene in the variation of award?

MR RICE: I was just -

COMMISSIONER: Is that centre stump? Are the bails off?

MR RICE: Just the bails off - centre stump - I've brought everything ..(inaudible)..

15 COMMISSIONER: Is there a real need to?

MR RICE: Oh, probably not a real need to, commissioner, it was just that I thought it was the protocol that perhaps I should, seeing it was an award of which we are a party to that we're putting into this particular - that we're seeking to put on the list of the Schedule A.

20 COMMISSIONER: Yes, but you're not a party to the award - you're not a party to the award that's being varied are you?

MR RICE: To the award - no. No, we're not a party to the award that's being varied but it's the award that's going on to the list, sir, that we do have an interest in.

25 COMMISSIONER: Yes, I realise that but you don't have an interest in the award that's being varied.

MR RICE: No.

COMMISSIONER: It might change after this. We might just go off the record for a minute.

30 **OFF RECORD 10.30am**

**ON RECORD 10.35am**

COMMISSIONER: Well, I don't think there's any argument now is there, Mr Rice, in relation to the intervention?

MR RICE: No argument whatsoever. We don't seek to pursue intervention under these circumstances, commissioner.

COMMISSIONER: Let the record show there's no appearance being entered for and on behalf of any employee organisation respondent to  
5 this award, however, I'm satisfied that they have been notified.

I must also place on the record that we've only just received a note - it arrived here and the note says: *AWU supports application T8076 of 1998*. And it also informs me that they'll be forwarding a letter to this effect this afternoon.

10 So I intend proceeding this morning with this application. Thank you. Mr Brown.

MR BROWN: Thank you, commissioner. In respect to the application before us, this is an application to insert into Schedule A of the National Training Wage (Tasmanian Private Sector) Award, the  
15 Farming and Fruit Growing Award, so as to facilitate the continued employment of youth and also trainees in the rural sector.

And in terms of the reasons as to why the variation is now sought, there have been various ongoing issues that have remained unresolved until recent times that now are resolved and consent  
20 between the parties in respect to inclusion of the Farming and Fruit Growing Award has been achieved and I believe you have a letter - or a note to that effect to be confirmed with a letter this afternoon from the AWU.

The award: in terms of the operation of the award itself, we believe  
25 that the scope of the Farming and Fruit Growing Award or any trainees that are employed would be therefore covered by Industry Skill Level C that is contained within the National Training Wage Award under the classification, I believe, or the name of pastoral, so we would envisage that that would be how the two would relate and  
30 that would be the wage structure or schedule that would be followed in accordance with any traineeships entered into.

In respect to the public interest, I certainly believe it is consistent - the application is consistent with the public interest in that it will continue to facilitate youth employment and trainees in the absence of  
35 the CST program which was previously the mode for employment of trainees in the rural sector.

Just for your information that program has now completed with the last intake taking place in October/November of last year and with the next intake of trainees and their training likely to commence around  
40 March of this year, that with this variation being approved it would then facilitate the continued employment of trainees in the sector.



In respect to the operative date of the application, we would submit that the operative date be the date of approval - the first full pay period after the date of approval, and unless there are any further questions we believe that the application as before you should be approved in respect to that.

COMMISSIONER: Well, I have no further questions and I can indicate to you that I'm going to accept the application to vary the award and I'll hand down a written decision in due course which will clearly indicate that the award will be varied to contain the Farming and Fruit Growing Award. I'll address the question of the operative date in my decision. Thank you.

**HEARING CONCLUDED 10.40am**