



Tasmanian Industrial Commission
Industrial Relations Act 1984

T No. 7907 of 1998

IN THE MATTER OF an application by
the Australian Municipal,
Administrative, Clerical and Services
Union to vary the Public Accountants
Award

Re: restructure of clerical
classifications with consequent process
of minimum rates adjustment

COMMISSIONER IMLACH

HOBART, 5 June 2001
Continued from 19 April 2001

TRANSCRIPT OF PROCEEDINGS

Unedited

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

HEARING RECOMMENCED 10.35AM

COMMISSIONER: I'll take appearances.

5 **MR I. PATERSON:** If the commission pleases, IAN PATERSON appearing for the Australian Municipal, Administrative, Clerical and Services Union.

COMMISSIONER: Thanks, Mr Paterson.

MR J. O'NEILL: If it pleases the commission, O'NEILL J. appearing for the Tasmanian Chamber of Commerce and Industry Limited.

COMMISSIONER: Thanks, Mr O'Neill. Yes, Mr Paterson?

10 **MR PATERSON:** If it pleases the commission, we're in a position to finalise this matter today, however there are a couple of details that we do need to attend to.

15 Firstly, I believe I am correct in saying that this application as it is before the commission is the application that was made in 1998 and I'd seek leave to amend that application to include the following statement of particulars which is principally to provide within the application for the award review process to be given effect.

COMMISSIONER: Yes, it was August 1998, Mr Paterson.

20 **MR PATERSON:** With other matters that have been on foot, we've previously made this application as we've gone. I don't believe we have done this yet with this matter.

COMMISSIONER: Yes. What do you say about that application, Mr O'Neill?

25 **MR O'NEILL:** We have no objection to that at all, in fact we discussed it prior to the hearing.

COMMISSIONER: Good. Thanks, Mr O'Neill. Yes, well I'll amend the application to comply with that. We won't mark that - perhaps we'd better. Have we got any other marked? No, I don't think we have, have we?

30 **MR PATERSON:** I don't believe we've submitted any documents previously other than that in the application.

COMMISSIONER: We'll make this **EXHIBIT P.1**, just so that we know what we're talking about if we ever get caught up. Yes, Mr Paterson?

35 **MR PATERSON:** A brief moment in history just to recite for the record. I have a copy of correspondence from my union dated 16 May 1994 to Mr T. Abey, Acting Chief Executive Officer of the TCCI and it

was requesting that negotiations recommence - or commence re the Barristers and Solicitors Award and the Public Accountants Award. this matter today finalised what I believe was probably started back in May of 1994.

- 5 It is a consent position that we bring to you today and I will provide now to the parties the draft order of the award and I believe I'm correct in advising Mr O'Neill that this is the copy that I've previously forwarded to him - errors and omissions excepted.

COMMISSIONER: Right, we'll mark this **EXHIBIT P.2**.

- 10 MR PATERSON: And while I'm on my feet distributing documents, I'll provide the parties with two further articles of evidence. One is a schedule of minimum rates adjustments from commencement of the minimum rate adjustment to the finalisation of the minimum rates adjustment. The other document is the proposed draft orders to give
15 effect to the second, third and fourth minimum rates adjustment.

COMMISSIONER: Right. So we'll make the minimum rates adjustment schedule **EXHIBIT P.3** and the draft order - these will be consequential won't they, in due course?

- MR PATERSON: They will be, and the parties are accepting of the
20 fact that they will require separate applications in the future to give effect to this. They will of course probably not be exactly the same as this because of imminent safety net adjustments. So I'm quite happy to have these put forward as a single exhibit. I suggest that it be P.4.

COMMISSIONER: **EXHIBIT P.4**. Yes, Mr Paterson?

- 25 MR PATERSON: One further matter which I only fully made myself aware of this morning; the draft order that I've put forward for the new consolidated award does not include a schedule to summarise the changes from the previous award which I believe was last consolidated in 1997 according to my file.

- 30 COMMISSIONER: Yes, according to me too, Mr Paterson.

- MR PATERSON: So I will undertake to do that as soon as practicable and I have every expectation of having that done within two days and I'll undertake to e-mail that summary to Mr O'Neill and ask him to confirm to the commission the document which will summarise the
35 changes and I will then e-mail to your associate the full draft order of the award including the schedule and just for the record's sake I will also put a copy of the schedule - a hard copy - paper copy - of the schedule in the mail to the commission.

COMMISSIONER: Good.

MR PATERSON: To speak briefly to the subject matter of this draft order, in accordance with the application this order does effectively too complete two major exercises, the first being the subject of the original application. In short, this application replaces the previous classification structure which had not been subject to structural efficiency minimum rates adjustment and replaces that with a classification structure and a wage rate structure and relativities between classifications that mirror point to point the Clerical and Administrative Employees (Private Sector) Award.

There is, I understand - and Mr O'Neill no doubt will confirm consent on this adjustment otherwise it doesn't disturb the allowances for qualifications that are contained in the current award. They are maintained. However, other allowances such as the allowance to stenographers and the allowances for employees in charge and responsible for the work of other employees are subsumed within the process of the seven grade clerical and administrative classification.

As I say, otherwise I don't believe that this disturbs the wages structure other than in that respect.

The second major aspect of this exercise is that it reformats the award into parts as easily identified in the index of the award. There are a couple of changes involved in that, notably it includes the revised and agreed parental leave clause in accordance with processes and recommendations before former President Westwood and confirmed between the TCCI and the Trades and Labor Council. It also simplifies the superannuation clause in Part III clause 4 at page 20.

It basically reduces the clause to those aspects which are, can we say, in addition or over the legislative requirements, in particular the definition of an eligible employee which has in fact two components and these provisions are as they are in the existing award so I don't really need to go to those any further I don't think.

In relation to allowances, it brings the allowances in Part IV, clause 1 and 2 in respect of meals into line and in alignment with the decision in - I can't see the T number of the matter - it was the general application for meal allowances that was operative from 23 November 2000. It doesn't change Part I but it brings the provision in Part IIA into line with Part I.

The parties haven't in this instance addressed the archaic kilometrage rate in clause 2(c) and in effect that is a leave reserve matter to be dealt with at a later time. I don't believe that there will be any constraint on that as it's an expense-related allowance and that Wage Fixing Principles will allow us to pursue that matter as it has not been previously addressed and I suggest probably hasn't been addressed since the mid 1970s.

I don't believe that there are any other changes to this award other than those that are format changes that arose out of the award review process. Just looking at the right of entry clause, that is new and in accordance with the award reformatting process in this commission.
5 That is simplified to merely reflect or to note that it is in accordance with the *Industrial Relations Act*.

There have been minor changes that are facilitated by modern software. I've endeavoured to remove any gender-specific language from the document. I've done a couple of searches through the
10 document to endeavour that there is no gender-specific pronouns in the matter. I have endeavoured to make sure that the internal references to the award, such as for example in Part II clause 1 referring to part-time employees, the references to annual leave, holidays with pay and sick leave. I've endeavoured to ensure that they
15 are internally consistent and the other matters that fall within the breadth of the award reformat process are the reformatting of the award interest and the supersession clause.

To the best of my knowledge at this point in time I don't believe there are any other significant changes that come out of the award
20 reformatting process, and as I said previously, we will provide to the commission a schedule or an appendix of the changes from the previous - or the current award to this draft order to be included.

Finally, the submissions from the union are that this application is entirely consistent with previous Wage Fixing Principles in particular
25 those relating to structural efficiency and minimum rates adjustment processes and the award review and reformatting process of previous Wage Fixing Principles.

I submit further that the application doesn't in any way offend the public interest. We would seek that the variation to the award be
30 effective from the first full pay period commencing on or after today's date. If the commission pleases.

COMMISSIONER: Yes. Thanks, Mr Paterson. I think that covers everything. What do you say, Mr O'Neill?

MR O'NEILL: Thank you, sir, we submit that we consent to the
35 application and that as amended today. The application is consistent with the Wage Fixing Principles. It does in no way offend the public interest. We also consent to the operative date being the first full pay period on or after today's date. If it pleases.

COMMISSIONER: Yes, thanks, Mr O'Neill. I congratulate the parties
40 on bringing this exercise to fruition, particularly Mr Paterson. I don't think I'm out of order in saying that, who has done, it seems to me, most of the work and I indicate now the award reformatted and reviewed and in line with the principles and the structural efficiency

and the award review process will be issued from the agreed operative date as soon as possible.

5 And just to repeat and confirm as soon as we get the schedule of changes that Mr Paterson usually comes forward with and I think that's about all. You might be in time, Mr Paterson, to go and give Mr Watson a bit of competition. I understand he's there on his own today.

MR PATERSON: I could go and check on what other matters have been left out of the application.

10 COMMISSIONER: Yes, what shenanigans have gone in the absence of the union monitoring. Bit of concern there. However I am sure the integrity of the Chamber will make sure everything is under control.

I repeat, I congratulate the parties and this matter is closed. Thank you.

HEARING CONCLUDED 10.50am