

**HEARING COMMENCED 10.30am**

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 and I also have a written authorisation which I can hand to you from the Australian Liquor, Hospitality and Miscellaneous Workers Union to appear in this matter on their behalf.

COMMISSIONER: Thanks, Mr Paterson.

10 **MR D. DILGER:** If the commission pleases, DILGER, D., for the Tasmanian Chamber of Commerce and Industry.

COMMISSIONER: Thanks, Mr Dilger.

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

15 COMMISSIONER: Thank you, Mr O'Neill. We've got two against one today. You can cope with that I'm sure, Mr Paterson.

MR PATERSON: I don't think it gets down to that level of contest today.

COMMISSIONER: Now what have we got to report?

20 MR PATERSON: If the commission pleases, this is one of six applications that my union has made effectively to give effect to a generic clerical and administrative classification stream.

25 In this award, as a preliminary, I think it is appropriate to call the matters on separately because each award that we've sought to vary has its own special situation. This award in one respect is probably more straight forward than some of the other applications. My reading of the award is that it appears to have been restructured in terms of beverage industry employees so that there are now a generic beverage industry employee classification, but the clerical and administrative employees still have an age-based classification for adults, first to fifth year, accountant, and then clerks are paid according to the number of employees they supervise.

35 What our application seeks to do is to effectively replace that clerical structure with the generic structure from the Clerical and Administrative Employees (Private Sector) Award.

5 The discussions between my union and the Chamber of Commerce and Industry have only been preliminary at this stage. I believe that the effective purpose of today's hearing is to report back and perhaps to have some exchange of proposals around the time frame for varying the award in this way.

The application is in effect made in accordance with the structural efficiency principle in terms of giving effect to skill-based classifications and career paths with appropriate relativities fixed between the classifications and within the award.

10 As I said, there hasn't been any formal meeting or formal exchange on those matters between the TCCI and ourselves, however, we'd anticipate progressing that in the next four weeks to some substantive stage.

If the commission pleases.

15 COMMISSIONER: Just before - what would you like me to do about it, Mr Paterson?

MR PATERSON: At this stage I believe that we may well be able to come back to you with a consent position. I would be optimistic of that in this case, and at this stage I don't think we would actually require  
20 any further action at this point in time by the commission other than perhaps the setting of a next date.

Partly, perhaps, by way of background, this - I'll check my dates of correspondence - I did identify back in November of 1996 to the TCCI a number of awards where this process had not occurred, but I believe  
25 that I hadn't nominated this specific award - I hadn't fully identified the full set of awards that hadn't had it until June 1997 - so there's been over twelve months since the first exchange of correspondence in respect of this award and the making of the application was seen by myself and my union as the way to give it the next kick-start if you  
30 like, to the process.

So at this stage I wouldn't be seeking any further action by the commission. It may well be that there is advice on process that we need from you at some point in time either off the record or on the record in which case we will presumably seek to have the matter  
35 brought back on.

COMMISSIONER: Yes, thanks, Mr Paterson. Mr Dilger.

MR DILGER: If the commission pleases. Yes, I agree with what Mr Paterson has put forward to the commission this morning. We have had some informal discussions, sir, nothing really substantive and I  
40 agree also with Mr Paterson that with some further negotiations, albeit

informal between the parties, we should be able to come to a consent position with regard to this matter.

Nothing further, if it please.

COMMISSIONER: Thanks, Mr Dilger. Mr O'Neill? Nothing?

5 MR O'NEILL: No, not in respect to this.

COMMISSIONER: Yes, well, I'll adjourn this matter to a date to be fixed. We might put it off till there are one or two other matters here today and see if we can't bring them on again at an agreed date to keep the thing going.

10 I make the point, Mr Paterson, and without any criticism at all, that these matters will proceed so long as you pursue them. The commission is, at this stage, not in, shall we say, a hurry although it is in a hurry to get things in order, put it that way. But you appreciate that I'm sure, Mr Paterson.

15 Yes, all right, this matter is adjourned.

MR PATERSON: Oh, sorry, just one other matter that I should have made reference to; that I would anticipate that we would endeavour to combine this process with the award reformatting process where the parties can agree on that process as well so that we would seek to be making the - it may require a separate application but it would be my  
20 intention to attempt at least to pursue that outcome.

MR DILGER: Yes, I'd have no opposition with that, commissioner, if that were to take place.

COMMISSIONER: Good. Again, it's really between the parties.  
25 Certainly the commission recommends it all, but at this stage I'll leave that to the parties. Thanks, Mr Paterson and Mr Dilger.

This matter is adjourned to a date that we may be able to fix later on today. Thank you.

**HEARING ADJOURNED SINE DIE 10.40am**