

HEARING RECOMMENCED 1.08pm

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

MR R. FLANAGAN: If it pleases the commission, FLANAGAN R., for the Australian Workers' Union, Tasmania Branch.

5 COMMISSIONER: Thank you.

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

COMMISSIONER: Good. Thank you.

10 **MR P. NOONAN:** If it pleases the commission, NOONAN P., appearing on behalf of the Shop, Distributive and Allied Employees Association, Tasmanian Branch.

COMMISSIONER: Good.

15 **MR A. FLOOD:** Thank you, commissioner, ANDREW FLOOD from the Tasmanian Chamber of Commerce and Industry and I also appear on behalf of the Hop Producers Association of Tasmania.

COMMISSIONER: Good. Mr Flanagan?

MR FLOOD: Well, I might speak to this one, commissioner, if you like.

20 COMMISSIONER: Mr Flood?

MR FLOOD: Since the last hearing that was before you on 23 November, in actual fact at that hearing I tendered a document to you - TCCI.1 - which was a draft of the proposed new award. Since that time I have made some amendments to that document, amendments
25 that were suggested by the NUW and the SDA. Those amendments, commissioner, were that the NUW - the National Union of Workers - sought to increase or add to the list of indicative tasks in classification levels for 3, 4 and 5 employees and the reason for that was to more properly reflect the duties of employees engaged in rural, hide and
30 grain stores.

This award covers those types of stores, but the definitions that we had didn't properly cover them.

The SDA, commissioner, sought to have monthly payments for superannuation inserted for all employees into the new award and also
35 for a provision in the classification structure for an automotive parts interpreter specialist.

Also, commissioner, in response to your own questions on the 23rd, I proposed to the unions and to my members a deletion of the reference to artificial fertilisers in the scope clause and also suggested that we replace fruit agent with fruit wholesaler.

5 That draft was provided to my members on 25 November and to all of the unions party to the award on 26 November and I can now tell you that our members have responded to the draft and there are no concerns from them as far as that goes. They are content with that draft.

10 Mr Paterson and Mr Noonan have advised me prior to today that they are also content with that draft and Mr Flanagan this morning and Mr Strickland who is now no longer here has also told me this morning that they are content with that draft.

15 I understand, to be fair to Mr Flanagan, that he has tried to contact me through the week by telephone, but we weren't successful in getting back in touch with each other.

20 So, commissioner, today I would tender a draft to you. I don't have a copy for the unions because it is exactly the same as the TCCI.1 that was provided to them on 23 November, except that it varies in one respect, and that is a matter that Mr Paterson has raised with me; he has agreed to delete Part 4, clause 7, which is the stenographer's allowance. It's an additional allowance, commissioner, that provides a small amount for employees operating certain types of machinery. That allowance, commissioner, is actually reflected in the classification structure itself. The classification descriptors.

25 COMMISSIONER: And it's been taken out of this document?

MR FLOOD: And the draft that you have, that is the only change from TCCI.1 of a couple of weeks ago. So it has been deleted from that draft you have in front of you now.

30 COMMISSIONER: Well, we'd better mark this document **EXHIBIT TCCI.2**.

MR FLOOD: As I said, commissioner, I haven't provided that to the unions. I think I was trying to save a bit of paper actually, but it is the same except for that change to the stenographer's allowance.

35 Given your comments in the previous hearing today in relation to the Butter and Cheesemakers Award, there are a couple of matters that may need to be addressed in that draft of the Produce Award that you have before you, and that is, two questions in particular that you raise: whether or not clerical officers should still be termed clerical officers - I certainly support your view that they should be termed
40 clerical employees and I understand that's the view of the union

parties as well. And also, commissioner, the wage rates clause lacks a lead in sentence.

5 COMMISSIONER: I notice in both documents too, and you might take it on board, it's my understanding that the Transport Workers Union of Australia, Tasmanian Branch, doesn't exist.

MR FLOOD: Is the Victorian Branch registered here, commissioner?

COMMISSIONER: Well, I heard on the grapevine the Victorian/Tasmania Branch will be seeking registration here in which case they'll need to seek an interest in the award.

10 MR FLOOD: Yes. So at this stage then, commissioner, if they are no longer registered - if the Tasmanian Branch is not registered, they should be deleted from the award.

COMMISSIONER: And they don't exist as far as I understand.

MR FLOOD: No.

15 COMMISSIONER: It's now the Transport Workers' Union of Australia, Tasmania/Victoria Branch which is in the process of seeking registration in this state, as I understand it.

20 MR FLOOD: Understood, commissioner. I have provided in the past to you, copies of letters that I've provided to the union parties which set out the changes that are included in this draft from the existing copy of the award. Would you like me to go through those again today?

COMMISSIONER: Well, it depends on how we're going to deal with this. Like I was going to deal with this this afternoon.

MR FLOOD: Yes.

25 COMMISSIONER: And as you can see, the problem is we do have some staff arrangements that we've got to look after with transcript and people's hours of work.

30 MR FLOOD: Yes. Well, perhaps commissioner, given that the Butter and Cheesemakers Award has been adjourned until the 16th, I will propose that that would occur with this one as well. There are some minor amendments that still still to be made to TCCI.2.

COMMISSIONER: Right. Well, maybe it's appropriate that this be brought back on at the same time, I don't know. What's the union's view?

35 MR FLANAGAN: We'd support that application, commissioner.

COMMISSIONER: No objections to the adjournment? There's no objection to the adjournment?

MR PATERSON: No. Commissioner, just one - no objection to the adjournment - I'm just harking back, I just mention it, but I'm not sure that clerical also adequately encompasses that definition. Maybe it ought to be clerical and administrative employees. Clerical itself is becoming a pretty redundant descriptor of work functions, but I'll undertake to respond formally at the next opportunity on that one in both this matter and the previous.

COMMISSIONER: And the other one? Good on you. Thank you very much. I think you're right with your comment.

Right, so on the next occasion we'll have up-to-date disks and we'll have up-to-date copies and we will have gone through it with a fine tooth comb and maybe you should be asking yourself what does it mean. Example, we get to things like holidays; what does holidays mean? I think we've just got to be a bit curious on some of these things because someone has to interpret it at the end of the day and if it's not clear, let's make it clear.

Right, well we stand adjourned until 16 December. Thank you.

HEARING ADJOURNED 1.20pm