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TRANSCRIPT OF PROCEEDINGS

O/N 0047

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER P.C. SHELLEY

T No 11211 of 2003

INSURANCE AWARD

**Application pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the Australian Municipal, Administrative,
Clerical and Services Union to vary the above award re to
give effect to principle 13 of the Award Review Process of
the Commission's wage fixing principles**

HOBART

9.30 AM, TUESDAY, 6 JANUARY 2004

HEARING COMMENCED

[9.30am]

PN1

MR I. PATERSON: I appear for the Australian Municipal, Administrative, Clerical and Services Union.

PN2

MR J. THOMAS: I appear for the Tasmanian Chamber of Commerce and Industry Limited and appearing with me today is MR NICK GOZZI.

PN3

THE COMMISSIONER: Thank you. Mr Paterson?

PN4

MR PATERSON: Thank you, Commissioner. This is an application to essentially re-format the Insurance Award into the parts format of the Commission's now preferred format. There are a number of substantive changes and all changes are listed in the appendix. For the record I will mention the substantial changes only. The occupational superannuation clause is renamed superannuation. It deletes the references to 3 per cent superannuation and simplifies it to say that the obligations are in accordance with the Federal legislation.

PN5

The overtime clause includes the reasonable overtime provision as arising from the last matters heard with the State wage case in 2003 and the parental leave clause is the new standard - the newer standard of parental leave. Apart from that, to the best of my recollection from the work done on this the rest of the changes are renumbering and reordering, deleting irrelevant clauses and our attempt hopefully for fully executed, to delete gender specific references in the award. I do have earlier correspondence from other unions which I can provide to the Commission if you like. I haven't copied them but I don't know that that should make any difference.

PN6

One is from the National Union of Workers dated 19 November which did relate to the final draft indicating they have no objection to it, and the other is an earlier draft but similarly indicating that the award meets the guidelines as far as the SDA is concerned. I did provide all parties with copies of the work in progress and the final draft prior to making the application on 19 December. I would submit to you that this application meets the Commission's principles and seek approval of the application.

PN7

THE COMMISSIONER: Thank you. Now, these two letters are actually addressed to yourself; do you want to keep them as part of your record or - - -

PN8

MR PATERSON: No, I am fine to have them placed on the file.

PN9

THE COMMISSIONER: Put them on the file, okay, well, we will do that, thank you. Ms Thomas?

PN10

MS THOMAS: Yes, the TCCI consents to the variation of the Insurance Award in accordance with the document that was tendered as part of the application. We have worked co-operatively with Mr Paterson and congratulate him on his hard efforts and the TCCI takes credit for the summary page at the end of the award. The variation is consistent with principle 13 of the Commission's wage fixing principles and in terms of an operative date, we hadn't spoken of that, but propose today's date. if it pleases.

PN11

THE COMMISSIONER: Thank you. Mr Paterson, have you got anything to say in relation to operative date?

PN12

MR PATERSON: No, nothing further. I am happy with that operative date.

PN13

THE COMMISSIONER: Thank you. Ms Thomas, have you checked the draft?

PN14

MS THOMAS: We have done some work on it. In terms of cross-referencing I think we would always leave that to the Commission to finally check, but yes, we have checked it and I have certainly had this version of this award sent to me so by all means, if you have identified any problems in it then we would certainly like to fix it now if we could.

PN15

THE COMMISSIONER: Well, I haven't to date but had a recent experience when I was assured that an order had been carefully checked so subject to checking by the Commission and any errors or omissions I indicate to the parties that the award will be varied in the manner sought with an operative date which will be from today and a written decision and order will issue in due course. The matter is adjourned.

ADJOURNED INDEFINITELY

[9.40am]