



TASMANIA

Tasmanian Industrial Commission

Industrial Relations Act 1984

T No. **9910 of 2001**

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

Re: Part III – Wages and Related
Matters, Clause 2 – Wage Rates

DEPUTY PRESIDENT WATLING

HOBART, 27 November 2001

TRANSCRIPT OF PROCEEDINGS

UNEDITED

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

HEARING COMMENCED 2.15pm

DEPUTY PRESIDENT: I'll take appearances, please.

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

DEPUTY PRESIDENT: 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, if it pleases.

DEPUTY PRESIDENT: Thank you. Mr Paterson?

MR PATERSON: Thank you, deputy president. It's been drawn to my attention that there's a couple of errors in our application and I seek leave to amend the application to correct those errors. The first error is that this is in fact the third Minimum Rates Adjustment at the end of the first line of Statement of Particulars.

DEPUTY PRESIDENT: Third and final is it?

MR PATERSON: Third and final, yes. In the wage rates for grade 5 the Safety Net Adjustment should be \$88.00 and the weekly wage rate, \$588.60. I'd seek leave of the commission and the consent of Mr O'Neill to give effect to those variations to the application.

DEPUTY PRESIDENT: Good. No objection, Mr O'Neill?

MR O'NEILL: No objection at all.

DEPUTY PRESIDENT: Leave is granted.

MR PATERSON: Deputy president, this matter does finalise the Minimum Rates Adjustment to the Barristers and Solicitors Award which followed on from the application of a new six grade structure to the adult employees. The parties agreed in the earlier proceedings in this matter to give effect to the Minimum Rates Adjustment by three rather than four Minimum Rates Adjustments, largely owing to some significant delays beyond the control of the industrial parties and more to do with the time frame that it took to undergo the consultation with the legal industry through the Law Society.

At the time we applied the first Minimum Rates Adjustment, it was agreed that there would be three and that the final Minimum Rates Adjustment would be effected no sooner than the operative dates sought in this application, being the first full pay period commencing on or after 11 December this year.

Given that this is effectively a consequent application, certainly consistent with previous wage case principles particularly in respect to
40 Minimum Rates Adjustments, I'd submit that this application is in accordance with the Wage Fixing Principles and other requirements that you are required to take into account under the Act and seek that you approve the order and vary the award as applied. Thank you, deputy president.

45 DEPUTY PRESIDENT: Thank you. Mr O'Neill?

MR O'NEILL: Thank you, sir. We concur with the submissions as given by Mr Paterson this afternoon. This application, save and except the amendments that have been noted, is in accordance with the
50 commission's Wage Fixing Principles and does not offend the Act in any way and we concur with the operative date being the commencement of the first full pay period to commence on or after 11 December 2001. If it pleases.

DEPUTY PRESIDENT: Thank you. I can indicate to you that I'm going to approve the consent arrangement between the parties. It will
55 be operate from the date specified in the application and I'll hand down the order and decision in due course - this afternoon or tomorrow. Thank you.

HEARING CONCLUDED 2.21pm