

**HEARING RECOMMENCED 10.30am**

PRESIDENT: No changes in appearances. So, where did we get to? Yes, thanks, Mr Paterson?

5 MR PATERSON: If it pleases, president, we have more or less a consent position which may need some fine tuning in terms of the words in the clause. I had a very brief discussion with Mr Edwards this morning that finalised some differences. I have a hand-corrected copy of what would in fact be an amendment to the application which I can pass up and speak to, very briefly.

10 I'd suggest that having done that, we then go into conference to sort out the precise wording and the finer detail of the application - the variation to the application that I'd be seeking.

PRESIDENT: Right. And are you tendering this as an amendment to your application?

15 MR PATERSON: Not at this stage. I'll hold fire on that until we have had some conference discussions so that I can attend to any other amendments that may be required, either in the technical form or in order to produce a fully consented document.

20 PRESIDENT: Yes. All right. Well, we'll mark the document as an exhibit, **EXHIBIT 1**.

MR PATERSON: Thank you. I'll just quickly take you through the wording. The title of the award would remain the same, the Business Services Award. The scope clause is of course in this application where the detail is - 2(a) This award is established in respect of the industry  
25 of business services.

2(b) in effect defines what business services are by saying, for the purposes of this award business services shall mean, and the points (i) to (vi), administrative, clerical, marketing promotion services, tele-  
30 marketing and fundraising services, paging services, visitor, customer and consumer services, call centre services and the Internet services.

(c) effectively puts an exclusion to other industry awards of the commission that have specific application to administrative and clerical services conducted by employers within the specified industry of that other award and (d) says, that this award shall not have  
35 application to administrative, clerical, marketing, promotional or paging services provided within a business or undertaking covered by another industry award of the commission.

I can't recall the intent of that. They do seem to say the same thing. I'm not quite sure what the point of that was, so I'll maybe leave that  
40 for Mr Edwards to refer to that.

PRESIDENT: We'll deal with that in conferencing.

MR EDWARDS: I think the differentiation is between a craft-based award for admin and clerical classifications and industry-based for other classifications, perhaps, but it's not clear on the words.

5 PRESIDENT: No.

MR PATERSON: No. I think we may have lost something in one of our amendments.

The subsequent clauses - just to quickly move through them, the arrangement and date would follow - certainly the date would follow  
10 upon either an agreed date or the date of decision and it would need to be finalised. The supersession and savings is in the old format of the commission's orders and I guess we'd need to discuss that and the appropriate wording of that particular clause.

My view on that question is that we're dealing with perhaps two  
15 slightly different matters that - the standard that we've looked at in the award formatting provisions relates to subsequent variations to a single award whereas I believe we may need a different savings provision on the making of a new award where people are coming from award-free to award coverage and I think that may be the issue that  
20 we do need to pay some attention to in conference, to try and reach an agreed position on that. If the commission pleases.

PRESIDENT: Yes. Very good. Mr Edwards?

MR EDWARDS: I'd simply consent at this time, president, to move into the conference that's been suggested by Mr Paterson.

25 PRESIDENT: Very good. All right. Well, we'll adjourn into conference. Thank you.

**INTO CONFERENCE 10.40am**

**HEARING RESUMED 11.35am**

PRESIDENT: Well, thank you, for that opportunity to discuss the  
30 proposed new scope clause and we've got some developments to report on. Mr Paterson?

MR PATERSON: If the commission pleases, the discussions have produced both some proposed amendments to exhibit 1, which will be forwarded to you in accordance with our discussions. Effectively, part  
35 (d) in the scope clause will be deleted. Part (c) will read: That this award shall not apply where another industry award of the Tasmanian Industrial Commission has specific application to services conducted by employers within that industry.

There would be a new (d) added which would read: Until the making of this award has been finalised in respect to wage rates and conditions of employment or until this proviso has been deleted, employees covered by the Clerical and Administrative Employees (Private Sector) Award prior to the operative date of this award shall continue to be covered by the Clerical and Administrative Employees (Private Sector) Award in all respects.

The proposal out of our deliberations today is that the parties - the union and the TCI - will prepare a written submission. I think we probably can reasonably put to you the position that we can probably put one written submission - a joint submission from both parties as to the need for making this award an industry award, and a consent draft order that will reflect the variation to the union's application. We would anticipate having that finalised and in your hands, sir, by the beginning of the week beginning 15th June.

The draft order - the application would delete what is in the current exhibit 1, the clauses 3, 4 and 5 and put in a new 3 which will just give effect to the operative date - something to the effect that this order shall take effect from the agreed date. If the commission pleases.

PRESIDENT: Yes. Thanks, for that. Just one minor comment. In your proposed new subclause (d), the word, proviso, I think should be a subclause because it's no longer a proviso. So the subclause will start, Until?

PRESIDENT: Yes.

MR EDWARDS: The end of the second line.

MR PATERSON: I see. Yes.

PRESIDENT: Very good. Thank you, for that submission, Mr Paterson. Yes, Mr Edwards?

MR EDWARDS: President, perhaps I would limit myself in response to simply saying that the process that's been outlined by Mr Paterson is the one that is agreed - that we did agree off the record, between ourselves and with the commission and TCCI commits itself to that process.

In respect to the proposed (d) that was read out onto the record by Mr Paterson, there were just a number of issues that sort of arose as that was being read that I'd speak to Mr Paterson about that just need very minor tidying up, maybe for grammar and a little bit of set out but the thrust of what was read out is agreed and there is no contest between us in that regard, so we'll just tidy that up in the preparation of the draft order which Mr Paterson has described.

Having said all of that, we indicate that we would agree to the process that's outlined and undertake to comply.

5 PRESIDENT: Yes. Well, very good. I'm happy to receive written submissions on the major issue of whether or not such an award is desirable and in the public interest and I'd be even happier if it were to be a joint and agreed submission.

10 So, I thank you very much for your contributions this morning and the next event, unless I have need to come back to you to discuss your submissions is, there will be a decision issued making the title and scope and the order will be provided which will give parties an opportunity to appeal, if they so desire, and also to allow other interested organisations to seek an interest. Thank you very much.

**HEARING CONCLUDED 11.45am**