

## **HEARING COMMENCED 9.15am**

COMMISSIONER: I'll take appearances please.

**MS L. FITZGERALD:** If it please the commission, LYNNE FITZGERALD for the Tasmanian Trades and Labor Council.

- 5   **MR T.J. EDWARDS:** If it please the commission, EDWARDS, T.J. I appear for the Tasmanian Chamber of Commerce and Industry.

COMMISSIONER: Well, who's batting? Ms Fitzgerald.

MS FITZGERALD: Thank you, very much. Commissioner, you would be aware this is a matter that has been outstanding for some time and  
10   our application today, I think, will go part way to addressing some of the difficulties and some of the shortfalls with both of these awards - the National Training Wage (Tasmanian Private Sector) Award and the Group Training Industry Award, and what my application will do will enable employers falling within the scope of the Group Training  
15   Industry Award to access the National Training Wage (Tasmanian Private Sector) Award when employing trainees under a traineeship.

Obviously I don't think that the application is contrary to the wage fixing principles nor contrary to the public interest requirements of the Act and I would urge the commission to approve the application.

- 20   As I said, it only goes part way to addressing some of the shortfalls in this area but it will indeed make it clear that employers in the Group Training Industry - or covered by the Group Training Industry Award when employing trainees that those trainees, certainly their wage rates and some other matters are as per the National Training Wage Award.

- 25   COMMISSIONER: Good, thank you. Mr Edwards.

MR EDWARDS: Yes, if it please the commission, the TCCI are in a position where we will consent to the application as made by the TTLC. As Ms Fitzgerald has rightly indicated, this is a matter that's been before the parties for a considerable amount of time and before the  
30   commission on an ad hoc basis over a long period of time and it certainly is proving more difficult to resolve than anyone originally foreshadowed.

It is proper, in our view, for appropriate award regulation at least of trainees to take place now that we've discovered a mechanism to  
35   enable that to occur and it is proper that it be in a manner consistent with trainees generally within the jurisdiction of the Tasmanian Industrial Commission, and that is, by regulation through the National Training Wage (Tasmanian Private Sector) Award. From that point of view we do consent to the application made by the Labor Council.

In correspondence to me dated 7 August, Ms Fitzgerald confirmed the intention of the Labor Council to make this application and rightly indicated to me that the matter of coverage of apprentices employed by group training companies remains outstanding and I guess I just take 5 this opportunity to again signal that that is the case and that the parties are committed to trying to resolve that.

As the commission is aware, there have been a number of problems relating to trying to address the parties and persons bound aspect of the Group Training Industry Award which is bedevilling the furthering 10 of those negotiations but the parties are committed to trying to resolve that matter as quickly as we're able. However, I signify that it is not particularly easy and I think the commission is well aware of that.

However, Ms Fitzgerald has put the submission that this application is not contrary to the wage fixing principles of this commission and I 15 concur with that submission.

I further concur with the observation that it's not contrary to the requirements of section 36 of the Act going to the question of public interest and I pause simply by again indicating our consent to the application. If it please.

20 COMMISSIONER: And any view on the operative date?

MR EDWARDS: The first pay period to commence on or after today.

COMMISSIONER: Yes. Right.

MS FITZGERALD: Yes, that's appropriate.

COMMISSIONER: Well, thank you for that. I agree that this is a part 25 way to fix up this problem and therefore I'm going to amend the award as sought and to be operative from the first full pay period to commence on or after today and I'll hand down a decision and an order in due course.

Thank you.

30 **HEARING CONCLUDED 9.25am**