



Tasmanian Industrial Commission

Industrial Relations Act 1984

T No. 9222 of 2000

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 1 - Classification
Descriptors and Clause 2 - Wage Rates

DEPUTY PRESIDENT WATLING

HOBART, 11 December 2000
Continued from 8 November 2000

TRANSCRIPT OF PROCEEDINGS

Unedited

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

HEARING RECOMMENCED 2.26pm

DEPUTY PRESIDENT: I'll take appearances in this matter, please.

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

DEPUTY PRESIDENT: Thank you.

MR J. O'NEILL: If it pleases the commission, O'NEILL J., appearing for the Tasmanian Chamber of Commerce and Industry Limited.

DEPUTY PRESIDENT: Thank you. Mr Paterson?

10 **MR PATERSON:** If the commission pleases, I, in the first instance, defer to Mr O'Neill as the principal issue left outstanding was the request by the Law Society that they have time to reconvene a council meeting and discuss and formalise their position in respect to this.

15 I do have some further documentation to put in terms of a schedule of minimum rates adjustments translation and draft orders, a format of draft orders, to put up as well as a couple of minor consequential changes to the award as a result of this but I believe it's appropriate to hear from Mr O'Neill.

DEPUTY PRESIDENT: Mr O'Neill?

20 **MR O'NEILL:** Thank you, sir. Firstly, I should apologise to Mr Paterson that I haven't been in contact with him today, then it wouldn't have necessitated him having to defer to me in the first instance.

25 The Law Society have met, not last weekend the weekend prior to that and discussed the matter. I understand that there are no outstanding issues now and I would see this being a consent matter this afternoon.

DEPUTY PRESIDENT: Thank you. Mr Paterson?

30 **MR PATERSON:** Thank you, commissioner. If I can just proceed to provide copies of these documents. They are sorted into a group, so if I can pass them up to you one at a time and then hand the whole lot of the documents out to the other parties, or I can give you the bundle and we can go through them. If I can take you to them one at a time if you like, perhaps.

The schedule of MRA adjustments is the first one.

35 DEPUTY PRESIDENT: **EXHIBIT P.1.**

MR PATERSON: That shows the relationship between the base rate on commencement and the base rate on finalisation and the total

minimum rates adjustment. Although there is not a rate with the one hundred per cent relativity in it, you'll see in the base of the third column, that \$365.20 is the hundred per cent rate applied through those calculations.

- 5 DEPUTY PRESIDENT: Yes, which equates to the tradespersons' rate through awards.

10 MR PATERSON: The next three pages, I believe I have them in the same order in each bundle, are the first, second and third MRA draft order format, on the understanding that separate applications will need to be made for the second and third MRA. These are put forward as evidence of the parties' intentions at this point in time.

DEPUTY PRESIDENT: **EXHIBIT P.2**, for the first one. Is the first one going to be contained in your draft order?

15 MR PATERSON: The draft order does give effect to - although the columns are in different order, the draft order does give effect to that in clause 2(a) Wage Rates Adult Employees.

DEPUTY PRESIDENT: Okay. The document headed, Second MRA and Third MRA, are really matters for information, are they, that's your agreement at this stage how you're going to process -

20 MR PATERSON: And evidence of the parties' agreement at this point in time as to how the matter will be progressed.

DEPUTY PRESIDENT: **EXHIBIT P.3**. But you understand, they're separate applications on each occasion.

25 MR PATERSON: That's understood, commissioner. The final page is a translation schedule which identifies the point to point translation for those existing classifications that do in fact have a point to point translation to the grades 1 to 6 in this application.

DEPUTY PRESIDENT: **EXHIBIT P.4**.

30 MR PATERSON: The final document that I have, my attention was drawn to these issues by someone doing some work for the Law Society. The clauses in the current award, clauses 4 and 5 - Clause 4 - Estimating Service and Clause 5 - Progression have no effect when there are single point classifications. They were relevant and would be relevant if there were classifications with years of service within them but as these classifications in this application are single point, there is no effect of those provisions of clause 4 and 5 in the award as it stands at the moment, so I'll be seeking to delete those.

In the existing award there is also a definition of adult entry. That's not encompassed in the classification structure in this award, so that also

also would be deleted. I just formally seek in those terms to amend the application to give effect to those deletions.

DEPUTY PRESIDENT: Any opposition to that course of action, Mr O'Neill?

5 MR O'NEILL: No, there isn't, sir. Mr Paterson and I have discussed that. I have had a chance to look at it and there are no issues as far as we're concerned.

DEPUTY PRESIDENT: Thank you. Your application to amend is granted, Mr Paterson.

10 MR PATERSON: That therefore, commissioner, presents - taken with the application itself, the full effect of this application in terms of putting a new classification structure in place that reflects industry's needs and requirements for the classifications and the wage rates and the process of implementing them, as we have heard from Mr O'Neill, now a consent application to vary the award.

15 The proposal for the minimum rates adjustment that the parties have endorsed at this stage is for three minimum rates adjustments, six months apart. In effect, today's date, on or after 11 June next year and on or about 11 December next year to give full effect to the minimum rates adjustment.

20 I would submit to you that this application should have your approval, being consistent with the Wage Fixing Principles, particularly the previous Wage Fixing Principles as they related to structural efficiency and minimum rates adjustments, that it's not contrary to the public interest and an exercise that I'm happy to draw to finality. If the commission pleases.

25 DEPUTY PRESIDENT: In relation to the operative date. Is it the first full pay period on or after today, your agreement?

MR PATERSON: Commencing on or after today's date.

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

35 MR O'NEILL: Thank you, sir. This application before you this afternoon has had a lengthy history. It's been rather protracted but I'm pleased to report to the commission today that the parties do consent to the application, in particular, the classification structure truly reflects the industry requirements and in fact there has been considerable input from industry regarding the development of that classification structure and it's certainly one that goes a considerable way towards reflecting the exact requirements within the industry.

As far as the operative date is concerned, we agree to that date. The application before you does not offend the public interest in any way and is consistent with the Wage Fixing Principles. If it pleases.

DEPUTY PRESIDENT: Thank you. No further submissions. I can indicate to the parties that I will hand down a written decision in due course. It will be in favour of the application. I'm sure you're all glad that it has come to an end. I forget how many years it's been - probably eight all up it's taken to get this far. The operative date will be the first full pay period to commence on or after today and I'll get the orders and the decision out as quickly as possible.

HEARING CONCLUDED 2.38pm