



TASMANIA

Tasmanian Industrial Commission

Industrial Relations Act 1984

T No. 9337 of 2000

IN THE MATTER OF an application by
the Shop, Distributive and Allied
Employees Association, Tasmanian
Branch to vary the Hairdressers Award

Re: seeking the flow on Safety Net
Adjustment - State Wage Case Print
Number S5000 of 2000 Safety Net
Review

COMMISSIONER IMLACH

HOBART, 21 December 2000

TRANSCRIPT OF PROCEEDINGS

Unedited

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

HEARING COMMENCED 3.05am

COMMISSIONER: I'll take appearances.

5 **MR P. NOONAN:** If the commission pleases, I appear on behalf of the Shop Distributive and Allied Employees Association, Tasmanian Branch - NOONAN P.

COMMISSIONER: Thanks, Mr Noonan.

MR NOONAN: And if I may continue for a moment, Mr Commissioner, we seek leave to amend our application at some stage.

COMMISSIONER: Right. Thank you.

10 **MR F. IRELAND:** If the commission pleases, FORBES IRELAND appearing for the Retail Traders Association and appearing with me **MR TONY STEVEN.**

COMMISSIONER: Thanks, Mr Ireland.

15 **MR M. WATSON:** May it please the commission, MARK WATSON. I appear on behalf of the Tasmanian Chamber of Commerce and Industry.

COMMISSIONER: Thanks, Mr Watson. Yes, those amendments, Mr Noonan?

20 MR NOONAN: First, we would seek leave to amend our application and state that we don't believe it is a full bench matter; that you are quite equipped, Mr Commissioner, to handle this matter on your own, so we'd seek leave to amend our application there.

COMMISSIONER: Yes. Just go through them, Mr Noonan.

25 MR NOONAN: The second one, we haven't issued a draft - or handed up a draft order as yet, but in our draft order on page 4, when you flick through the pages the certificate allowance 11 there, that's just when these were photostated it just appeared on the bottom of that photostat so we state that the certificate allowance as is in the present award, we're not seeking to amend that in any way.

30 COMMISSIONER: So seek to delete that reference?

MR NOONAN: Yes.

COMMISSIONER: Right. Thanks, Mr Noonan. What do you say about that?

MR WATSON: There is no opposition to that, commissioner.

35 MR IRELAND: No objection at all.

COMMISSIONER: No, all right. Those amendments are granted. Yes, Mr Noonan?

MR NOONAN: Yes, Mr Commissioner, our application is for the \$15 safety net adjustment that emanated out of the decision of 1 August 2000, T9062 of 2000. So if I may just explain a bit of the historical facts in relation to this application.

The matter came before Deputy President Watling in August of this year. At that stage the \$12 adjustment came through the award and that was from 21 August of 2000, so this application is seeking to amend the award again by the \$15 safety net adjustment.

If I may now hand up a draft order to you. Do you need one or two of these, commissioner?

COMMISSIONER: Mr Noonan, this is actually a different one to the one in the application, is that it?

MR NOONAN: I believe it is, Mr Commissioner.

COMMISSIONER: Yes.

MR NOONAN: Perhaps if I just go through the rates in this draft order.

COMMISSIONER: Yes, but this is really a replacement isn't it?

MR NOONAN: It is, yes.

COMMISSIONER: So you're seeking to replace the present application with this one?

MR NOONAN: Yes.

COMMISSIONER: Any objection to that? No. Right, granted. Yes, Mr Noonan?

MR NOONAN: There have been, as you can see in that draft order, there has been two slight adjustments there that the parties are aware of and that is, when you look at page 3 - trial period - you have down there in 3 - \$45 and that should be expressed as \$51 and I believe that's in your copy, Mr Commissioner.

COMMISSIONER: It is, yes.

MR NOONAN: And over on the next page, you have junior workers and then you have 18 to 19 years of age - 73 per cent, and that has been adjusted to \$282.10.

COMMISSIONER: Right. No objection to those? No. Granted. Yes, Mr Noonan?

MR NOONAN: So there has been an agreement on this draft order between the parties, Mr Commissioner, and we would ask that this matter be agreed to and that the operative pay period would be the first full pay period on or after 1 January 2001.

5 We do not believe, Mr Commissioner, that this does affect the public interest in any way and that this is one of the few awards that hasn't been caught up with as yet with the \$15 safety net adjustment.

COMMISSIONER: Which is in accordance with?

10 MR NOONAN: In accordance with the full bench decision of 1 August 2000 in T9062 of 2000.

COMMISSIONER: Right. Nothing else, Mr Noonan?

MR NOONAN: No, if the commission pleases.

COMMISSIONER: Thank you. Mr Ireland?

15 MR IRELAND: If the commission pleases, I support the points of view that have been put forward by Mr Noonan with regard to this matter and will just reiterate that it's our submission that this particular application is consistent with the current Wage Fixing Principles and that the matter can be processed in accordance with those principles.

20 Mr Commissioner, we also, from the point of view of the Retail Traders Association who indeed represent behind the scene the Hairdressing Federation of Tasmania, would indicate that there has been a good degree of goodwill between the parties in this matter with a view of trying to bring rates up to an acceptable standard. Certainly we're mindful of the pay equity principle and other principles that could
25 impact on this particular matter and that exercising goodwill has resulted in this application before you today. If the commission pleases.

COMMISSIONER: Thanks, Mr Ireland. Mr Watson?

30 MR WATSON: Yes, it's a consent matter, commissioner, in accordance with the draft order that's been provided to you by Mr Noonan today, as amended.

35 A couple of other issues in relation to the position of consent is that the minimum rates adjustment process has been agreed to by the parties separate to this application and it's on that basis that we give our consent to this particular matter. Four minimum rates adjustments will occur from 1 July 2001, 1 January 2002, 1 July 2002, and the fourth and final from 1 January 2003, so we would be seeking Mr Noonan's confirmation on the record today that those dates are agreed for the MRA process so as we can - or I can confirm to you my consent
40 on that basis.

The application is in accordance with the principles and doesn't affect the public interest and we would consent on the basis of the conditions I've just put to you from the first full pay period on or after 1 January 2001. If it pleases.

5 COMMISSIONER: Yes, Mr Watson. Just one point, when was the first MRA to operate?

MR WATSON: 1 July 2001.

COMMISSIONER: Right. Thanks, Mr Watson. Yes, Mr Noonan?

10 MR NOONAN: Yes, Mr Commissioner, I believe that those dates as mentioned are in accordance with correspondence from the SDA to the TCCI and that correspondence was dated 1 November - no, correction there - correspondence to Mr Forbes Ireland, Hairdressing Federation of Tasmania, dated 1 November 2000.

15 COMMISSIONER: So you're saying, Mr Noonan, that yes, the union agrees with the point made by Mr Watson that this present matter is agreed to on the understanding that the SDA is committed to those four MRA amendments?

MR NOONAN: Those four MRAs as expressed in the correspondence of that date - yes, commissioner.

20 COMMISSIONER: Good. Thank you, nothing else?

MR NOONAN: If the commission please, no.

25 COMMISSIONER: All right. Well, I thank the parties for that particularly the employer representatives. I think the matter came on rather in a hurry but I appreciate the cooperation on that side, and also I note that apart from the settlement of the safety net adjustment the MRA process will begin in six months' time and then in the usual way, set periods after that. I congratulate the parties on reaching that arrangement. Nothing else? Thank you, gentlemen.

30 I indicate now this application will be granted and we will endeavour to issue the order by tomorrow, but if not, you will just have to wait till the new year, but the operative date will remain the same.

Thank you.

HEARING CONCLUDED 3.15pm