

PRESIDENT: Could I have appearances please.

MR G. COOPER: If the commission pleases, I appear for the Australian Workers' Union, Tasmania Branch, and I also appear for the National Union of Workers, Tasmanian branch, authority for which I understand has been provided to the
5 commission.

PRESIDENT: Yes. Yes, I have an authority in respect of the Produce Award, Mr Cooper.

MR COOPER: And I appear in all matters, Mr President.

PRESIDENT: All right, thank you very much.

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

PRESIDENT: Yes, thank you, Mr Noonan.

MR R.J. DEVINE: If the commission pleases, DEVINE, R.J. I appear on behalf of the CFMEU.

15 PRESIDENT: Welcome, Mr Devine. Thank you.

MRS H.J.DOWD: If the commission pleases, I appear on behalf of the Australian Municipal Administrative, Clerical and Services Union - DOWD, H.J.

PRESIDENT: Thank you, Mrs Dowd.

20 **MR M. WATSON:** May it please the commission, MARK WATSON; I appear on behalf of the Tasmanian Chamber of Commerce and Industry and with me is **JENNY THOMAS**.

PRESIDENT: Very good. Thank you, Mr Watson.

MR K.J. RICE: If it please the commission, RICE, K.J. I appear on behalf of the Retail Traders Association of Tasmania, commissioner - Mr President.

25 PRESIDENT: Thank you very much. Thanks, Mr Rice. Well who wants to lead off?

MR COOPER: Mr President, in terms of this matter, I am somewhat of draft orders but I can provide them to the parties. I do have one for the commission.

PRESIDENT: Thank you. AWU.1.

30 MR COOPER: I have provided a copy of that to the TCCI and the SDA and the Clerical Union, and I will undertake to provide them to the CFMEU and the Retail Traders, Mr President.

PRESIDENT: Have the others had an opportunity to look at it?

35 MR COOPER: Yes, they have. The other unions that were party to the award - NUW and the others - were advised that the draft order had been checked by the TCCI as provided by us. And the reason that we did that, Mr President, is there are a number of awards where several unions are party to, and it seemed a bit silly to - for every union party to produce a draft order. So one -

PRESIDENT: I've got no quarrel with that.

MR COOPER: Yes, so one union took that on board and - and the TCCI advised the others that the - of the union it was undertaking that task and in respect to this award it fell to the AWU and the NUW.

5 PRESIDENT: Right. Okay. Well I hope that doesn't cause us any difficulty as we go down -

MR COOPER: I hope not too, Mr President.

PRESIDENT: - the track. Very good.

10 MR COOPER: Mr President, in terms of the draft order, as I say, it is consistent with - with the wage fixing principles in that it does provide for a third - they do provide a third arbitrated safety net adjustment.

The Produce Award was last varied on the 26th of the seventh, 1995 - so 12 months has elapsed since that award was last varied. It does, as I say, contain the \$8 wage increase and it also has moved several allowances that are contained in that award.

PRESIDENT: Yes.

15 MR COOPER: Unfortunately the draft I have hasn't got them highlighted whereas - but I can probably take the commission through them slowly - but they are all allowances that are there have -

PRESIDENT: Okay, we've got leadings on -

MR COOPER: Leading hands, section 4 on page 3 haven't moved.

20 PRESIDENT: Yes.

MR COOPER: There are leading hands again appearing at Group B which is -

PRESIDENT: Yes.

25 MR COOPER: - five pages in on the award and they have been moved. There are - just above that - I understand that allowance has been moved as well - provided that a field service and mechanic allowance.

PRESIDENT: Yes.

MR COOPER: I understand that one has been moved.

PRESIDENT: Good.

30 MR COOPER: There is an allowance under Division C. On page 2 of Division C draft order - that has been moved.

There are allowances that appear in Group B at subclause (d) -

PRESIDENT: Yes.

35 MR COOPER: - and (e) - they have been moved. There are additional payments that appear on the second last page of the draft order under Division D - Clerical; those allowances have been moved. The other allowances are identified separately at the bottom of the draft order in terms of clause 11, clause 14 and clause 19.

PRESIDENT: Good.

MR COOPER: And I advise the commission that those allowances are now all up to date in terms of what's available under the first, second and third arbitrated safety net adjustment.

PRESIDENT: Were they all moved by the 5.75?

5 MR COOPER: Well some of them, sir, as I said, some of these draft orders were done by other unions and in some instances they picked up the second one and never picked up - they picked it up in some and never picked it up in others. So what we did, we went back to -

PRESIDENT: To square one again and -

10 MR COOPER: To square one and -

PRESIDENT: - all by 5.75.

MR COOPER: That's correct, Mr President, yes.

PRESIDENT: All right.

15 MR COOPER: In terms of this application then, Mr President, we say that it is consistent with the wage fixing principles and my instructions in terms of the NUW are to advise the commission that the NUW gives the commitment that's necessary consistent with the wage fixing principles and so does the Australian Workers Union and that's a commitment that's necessary to allow for the third arbitrated safety net adjustment to proceed.

20 PRESIDENT: Being specifically to review the award.

MR COOPER: Well that is - it's inclusive, Mr President.

PRESIDENT: Yes - and that's in respect of both organisations?

MR COOPER: Both organisations. I have written instruction from Mr Strickland.

PRESIDENT: Yes, I've seen copies thereof.

25 MR COOPER: Thank you, Mr President.

PRESIDENT: Very good. Thank you. Mr Noonan.

30 MR NOONAN: Yes, Mr President. You have before you a - I support the submissions made by Mr Cooper. You have before you a draft order that's been sighted by our organisation and agreed by the TCCI. Twelve months have elapsed since the second safety net adjustment. The second safety net adjustment took place on the 28th July '95, so 12 months have elapsed there.

The organisation I represent gives a commitment to 7.3.2.3 and we would seek an operative date from the first full pay period to commence on or after today's date. If the commission pleases.

35 PRESIDENT: Yes, thank you, Mr Noonan. Mrs Dowd.

MRS DOWD: Thank you, Mr President. The Australian Services Union supports the submissions put forward by Mr Cooper and Mr Noonan in relation to this application for the Produce Award.

We have actually seen the draft order and we believe it is correct - it's been checked by the TCCI. And the Australian Services Union gives a commitment in relation to 7.3.2.3 of the wage fixing principles in relation to reviewing the award and we would seek an operative date as of the first full pay period on or after today's date. If the commission
5 pleases.

PRESIDENT: Thank you, Mrs Dowd. Mr Devine.

MR DEVINE: If the commissioner pleases, the CFMEU supports Mr Cooper's submission and also on the 7.3.2.3 the CFMEU gives commitment to review the award.

10 PRESIDENT: Very good. Thank you, Mr Devine. Mr Watson.

MR WATSON: Thank you, Mr President. We would advise that there is consent in relation to this matter. The application, in our view, is in accordance with the wage fixing principles and in particular we welcome the commitment from each particular union that appears in these proceedings to a commitment to review the award.

15 We would advise that in our view the application doesn't offend the public interest test of the act and we advise of the consent from the first full pay period on or after today's date.

PRESIDENT: Very good. Thank you. Mr Rice.

20 MR RICE: Thank you, Mr President, we support the submissions made by Mr Watson and would not oppose the flow-on of this increase, sir.

PRESIDENT: Very good. Well thank you for those submissions. The award - Produce Award will be varied in accordance with draft order AWU.1 effective from the first full pay period to commence on or after the 15th August, 1996.

HEARING CONCLUDED