



TASMANIA

*Tasmanian Industrial Commission*

Industrial Relations Act 1984

T No. 10322 and T10323 of 2002

**IN THE MATTER OF** an application by  
the AMIEU to vary the Meat Retailing  
Award and Meat Processing Award

Re: (a) delete from current minimum wage  
provision and insert in lieu thereof the new  
minimum wage clause arising out of State  
Wage Case decision dated 11 July 2002; and  
(b) remove the specific amount appearing  
for annual leave loading and insert in lieu  
thereof "17.5 percent"

DEPUTY PRESIDENT

HOBART, 8 AUGUST 2002

**TRANSCRIPT OF PROCEEDINGS**

**UNEDITED**

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

**HEARING COMMENCED 10.30am**

DEPUTY PRESIDENT: I'll take appearances please.

5 **MR COURTNEY:** Thank you, Deputy President. If the Commission pleases, Grant Courtney for the Australasian Meat Industry Employees Union, Tasmanian Branch, and appearing in both matters, thank you.

**MR FLANAGAN:** If it pleases the Commission, Flanagan, R, for The Australian Workers' Union, Tasmania Branch, appearing in Matter Number T10323 of 2002.

10 **MR CAMERON:** Thank you, Deputy President. Andrew Cameron for the Tasmanian Chamber of Commerce and Industry Limited, appearing in both matters.

**MS MUNDY:** If the Commission pleases, Katrina Mundy for the National Meat Association of Australia.

DEPUTY PRESIDENT: Appearing in both matters?

15 MS MUNDY: In both matters, yes.

DEPUTY PRESIDENT: Now, I intend dealing with application 10322 first. Mr Courtney?

20 MR COURTNEY: Thank you, Deputy President. Made the application pursuant to section 23 of the Act, to increase the Meat Retailing Award rates and allowances relating to working conditions in the Meat Retailing Award and of the Tasmanian Industrial Commission for the first pay period – and for these increases to be paid in the first pay period, first of August in accordance with the decision of the Full Bench T1023 of 2002, T10288 of 2002 and T10289  
25 of 2002 of the State Wage Case of July 2002, Deputy President.

This application has been made also to vary the annual leave provisions of the Meat Retailing Award, which is Clause 17, to leave loading which the Meat Retailing Award used to use or is at the moment using a minimum wage rather than 17 percent in calculating  
30 annual leave loading. It is not our intention to vary the minimum wage to increase the leave loading to \$431.40 as the new federal minimum wage, Deputy President.

DEPUTY PRESIDENT: State minimum wage.

35 MR COURTNEY: State minimum wage as well, Deputy President. It is clearly that the leave loading should be 17 percent. I've actually got a draft here for you, Deputy President, and I'll present one to Mr Cameron as well. I am sorry, I only brought a couple of copies. So I simply haven't got another copy for you, Katrina.

40 DEPUTY PRESIDENT: So are you actually seeking to delete the minimum wage appearing in Clause 8, aren't you?

MR COURTNEY: Yes, I am, Deputy President.

DEPUTY PRESIDENT: And also to take the amount of money appearing in the annual leave loading out and inserting in lieu thereof an amount of 17 and a half percent?

45 MR COURTNEY: Certainly, Deputy President.

DEPUTY PRESIDENT: Now, have you got agreement with the other side on that?

50 MR COURTNEY: In relation to this matter we have got agreement in as far as we do need to insert the full clause from the State Wage Case, Deputy President. My apologies, I didn't insert the full clause in the minimum wage, Deputy President, but once we do insert that we have got agreement with Mr Cameron from the Chamber. I take it we may have agreement with the National Meat Association, but we haven't had any discussions with the National Meat Association, and  
55 so they would have to agree here today, Deputy President.

DEPUTY PRESIDENT: Mr Cameron?

60 MR CAMERON: Thank you, Deputy President. Yes, we concur with Mr Courtney's comments that the Chamber will agree to the proposed changes. A couple of minor – received a copy of the draft orders – a couple of minor matters which come to light which are probably just typographical small errors that probably need to be altered. Note at the bottom of Clause 8, Part I Adult Wages, it refers (?at the conclusion) of the minimum rates adjustment for instance has well and truly passed, as I recall.

65 DEPUTY PRESIDENT: Yes, yes.

MR CAMERON: And that has to be deleted. Mr Courtney indicated to you the full clause for the minimum wage needs to be inserted.

70 DEPUTY PRESIDENT: Yes, so the – in the draft document we won't include the minimum wage clause that's in that document, it will be the one arising out of the State Wage Case decision.

75 MR CAMERON: Yes. And I note that the supported wage provisions have been increased to \$56 from \$51. The only other comment in this particular matter is under the allowances, that the tool allowance seems to have increased and that should not have increased and it has to be retained at the existing rate.

DEPUTY PRESIDENT: Yes, tool allowance is not a work related allowance, it's an expense related allowance.

MR CAMERON: Other than that, with those slight variations, Deputy President, we consent to the application.

80 DEPUTY PRESIDENT: Right ho. So, simply stated, you're seeking to  
remove the current minimum wage clause and insert in lieu thereof  
the minimum wage clause appearing in the State – or arising out of  
the State Wage Case decision, and put the 17 and a half percent  
loading in in lieu of the flat amount that appears in the award at the  
85 moment, is that correct?

MR COURTNEY: That is correct, Deputy President.

DEPUTY PRESIDENT: All those other things will come out of the  
State Wage Case will be dealt with under that particular T number.  
Now is it the parties' view that it should have the same operative date  
90 from the first full pay period commencing on or after first of August?

MR CAMERON: Yes, Deputy President.

MR COURTNEY: That's our position, Deputy President.

DEPUTY PRESIDENT: Now the National Meat Association – do they  
have a view in relation to this?

95 MS MUNDY: Deputy President, I have consulted with my members  
and in relation to the issue of 17 and a half percent and we are happy  
to go along with that. I think I have spoken with Grant on other  
occasions about that one. And the flow-on of the minimum wage is  
not a problem for our members either and we are happy to agree to  
100 that today.

DEPUTY PRESIDENT: Good. Right ho. Well I can indicate to the  
parties that I will be approving the application and I will be issuing  
orders. Those orders will coincide with the orders being handed down  
for the State Wage Case decision and the Award will be consolidated.  
105 That will conclude this matter, thank you.

In relation to the second matter – maybe we should proceed for the  
moment just off record to see where we're heading in relation to this  
application, and the application I'm referring is 10323 of 2002.

**OFF RECORD 10.41AM**

110 **ON RECORD 12.15PM**

DEPUTY PRESIDENT: Let the record show that the parties have had  
discussions in respect of this application and that's application  
T10323 of 2002, application to vary the Meat Processing Industry  
115 Award. Who's going to bat? Mr Courtney?

MR COURTNEY: Thank you, Deputy President. We have actually had some preliminary discussions and we have consented on the application with a few changes to my calculations, Deputy President. So I simply will not submit this particular document to you now, but I will actually send you a document, the true and correct document tomorrow, Deputy President.

DEPUTY PRESIDENT: Right ho. So, you're requesting that the minimum wage clause be deleted from ...

MR COURTNEY: Yes.

DEPUTY PRESIDENT: ... the existing Award. And you wish to insert the annual leave loading of 17 and a half percent in lieu of the amount appearing in the Award?

MR COURTNEY: That's right, Deputy President.

DEPUTY PRESIDENT: Arising out of this application?

MR COURTNEY: Yes, we are Deputy President.

DEPUTY PRESIDENT: Right ho. In relation to all other allowances, they will be processed in accordance with the State Wage Case decision, not this decision.

MR COURTNEY: Yes.

DEPUTY PRESIDENT: But they will be processed at the same time – the same order. And I take it that you also agreed that the minimum wage clause arising out of the State Wage Case decision be inserted in this Award?

MR COURTNEY: Yes, Deputy President.

DEPUTY PRESIDENT: Mr Cameron? Mr Flanagan may wish to have a say too, I think?

MR FLANAGAN: Yes, look, before Mr Cameron has his part to play ...

DEPUTY PRESIDENT: It's not a white meat allowance, is it?

MR FLANAGAN: No, we won't deal specifically with the white meat allowance. We'd simply say, firstly, that we support the application which is before you. And, secondly, that the application is consistent with the requirements of the Wage Fixing Principles of the State Wage Case. In particular, Principle 7 dealing with State minimum wage, and consistent also with the view expressed by the Full Bench in T10230 of 2002 that the award should be reviewed with a view to modernising in respect of the leave loading issue in particular, and in those circumstances the Commission ought approve the application as sought. If it pleases the Commission.

DEPUTY PRESIDENT: Right, thank you. Mr Cameron?

155 MR CAMERON: Thank you Deputy President. We support the submissions of both the AMIEU and the AWU here today. And, subject to those minor alterations to some of the mathematical calculations in the draft order, we support and recommend the application to the Commission.

160 DEPUTY PRESIDENT: Do you want to read those into – or we'll deal with them off the record, those minor amendments to the draft?

MR CAMERON: Probably best off the record.

DEPUTY PRESIDENT: It might save Mr Courtney going home and then having to do another document.

165 MR CAMERON: Yes, probably do that off the record.

DEPUTY PRESIDENT: Some of those variations really may be variations that are more suited to the State Wage Case order.

MR CAMERON: They probably are.

170 DEPUTY PRESIDENT: Yes, so we'll go off the record and have a look at these things.

MR CAMERON: It would probably be the appropriate way of doing it and save time.

DEPUTY PRESIDENT: And so the employer will be consenting – TCCI will be consenting to this application?

175 MR CAMERON: Yes.

DEPUTY PRESIDENT: What about the National Meat Association, do they consent to this?

MS MUNDY: Yes, Commissioner.

180 DEPUTY PRESIDENT: Yes, right ho. We'll go off the record then and look at these minor variations to the document submitted by Mr Courtney.

**OFF RECORD 12.20PM**

**ON RECORD 12.27PM**

185 DEPUTY PRESIDENT: Right. Were there any further submissions from the parties.

MR COURTNEY: No, Deputy President, not from us.

DEPUTY PRESIDENT: Right, well I can indicate the Commission will approve the application and the orders giving effect to the application will be handed down at the same time and in the same document as the orders arising out of the State Wage Case decision. Thank you.

**HEARING ADJOURNED 12.28pm**