

HEARING RECOMMENCED 11.05am

PRESIDENT: A change in appearance.

MR A. CAMERON: Yes, thank you, Mr President. ANDREW CAMERON, from the Tasmanian Chamber of Commerce and Industry.

5 PRESIDENT: Thanks, Mr Cameron. Well, Mr Paterson, how are we going?

MR PATERSON: Mr President, I think that we may well be usefully using this time this morning to go fairly quickly into conference, as indicated in my memo to you of 31 March. We have provided the draft order. I believe I provided you with a paper copy of it at the same time,
10 to Mr Cameron, I think both in electronic form and paper form.

To the best of my knowledge, the major outstanding issues in this have been addressed. Mr Cameron has indicated that there are some matters that he wishes to further discuss. Without sitting down in
15 conference, I can't be sure how substantive they are.

PRESIDENT: You've not discussed those items yet?

MR PATERSON: I haven't had that opportunity and I think there may well be some of them, from our very, very brief discussion a few minutes ago that may be useful to discuss with you present and then
20 we can move to look at the detail of the outstanding issues and finalise this matter as soon as possible.

PRESIDENT: Do you want me present to begin with?

MR PATERSON: I'm more than happy for that to happen and then we can maybe report back to you on how we've gone.

25 PRESIDENT: I'll hear from Mr Cameron first, then make a decision on that.

MR CAMERON: Yes, thank you, Mr President. We've received a copy of the draft orders as submitted by the union in this matter. Having gone through them, there's a couple of matters that we have concerns with and in particular, because it's a new industry that we're trying to cover by the award, we have some problems, I suppose, in relation to the classifications and the definitions therein. To ensure that the employees intended to be covered by the award are actually covered and also that the levels ascribed to each of those employees is appropriate in the circumstances the areas intended to be covered by the award are developing as we speak. It's a growing area and it's going to be a difficult award to keep up to date with the changes in technology. We probably hope that in the first instance we can get to a situation where the award can stand for some time without too many alterations.
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In that regard, and I've spoken to Mr Paterson briefly this morning and previously we've sent down to him some proposed alterations which weren't adopted in this final draft, to help alleviate some of those problems in this area. There are a couple of other matters that, with
5 your guidance, we would seek to address or not address, depending upon your guidance, in relation to the fact that with a brand new award it may be an appropriate step to start to delete some unnecessary clauses from the award that are purely superfluous and there are some other changes in there of a cosmetic nature, just to tie
10 things in with other clauses.

I think going through that today, with your assistance, we should be able to get very close to finalising the award. The only thing we would ask then is that we have a chance to then submit that final draft to our members for some input over a defined period and then hopefully
15 have the award approved.

PRESIDENT: Yes, I see. What do you say about when you want my involvement?

MR CAMERON: Well, I suppose if Mr Paterson and I discuss things first up, we may be able to agree and call you into the conference for
20 your guidance on any points in dispute.

PRESIDENT: Yes. I think that'll be a preferable way to go, if you sort out what you can between yourselves.

MR CAMERON: To save your time, we could sort out those things that we agree upon and then only those matters that are in dispute get
25 your assistance.

PRESIDENT: Yes. You're happy with that, Mr Paterson?

MR PATERSON: I'm more than happy with that. There is one matter that I would just like to put on record. I'm sure it's already on the record in the transcript but to re-state it, that we have very much seen
30 this award making process in relation to the classifications as, if you like, a two-step process. That in the first instance it was incorporating with appropriate modifications the seven level generic clerical and administrative classification structure.

Clearly, the scope of this award extends well beyond people doing such work that would be covered by that. We've mentioned in the past that
35 the scope in relation to a lot of the technological computer application within an employee's position description falls to things like technology support, effectively, IT-type classifications. I very much see that as a second stage of the process. I guess there is an overlap to the extent
40 that the existing clerical classifications do have computer operation skills within them. I see those, nonetheless, as a foundation that's to be built on when we're looking at other things like technical support

within internet service providers or network supervisors within any office that provides such services.

The issue of clarity around what employees are covered by these classifications is acknowledged.

5 PRESIDENT: All right. I'm sure that'll have to be taken a little bit further if you can't get some sort of agreement with Mr Cameron on it. At this point, I think it would be worthwhile for the pair of you to work through the document as far as you can and let me know when you need my help.

10 I'll now adjourn you into conference.

INTO CONFERENCE 11.11am

HEARING RESUMED 12.53am

PRESIDENT: Well, we've had a lengthy conference. Mr Paterson?

15 MR PATERSON: Thank you, Mr President. It was a little longer than I'd anticipated this morning, however I believe that we've tidied up what in the main are fairly inconsequential matters with a few of substance and a few in the - some three, I think - the first three or four of the classifications which will help to clarify the application of those classifications.

20 I undertake to provide to Mr Cameron as soon as practicable, certainly in the next day or two, a next version of the draft order. I propose that Mr Cameron report back to the union on or before 12 May, which I think is the second Friday in May, which effectively gives this week and next week as two broken weeks and two full weeks after that, 25 report back to the union on whether we have consent and if we don't have consent, to identify specifically the matters on which further discussion or arbitration will be required. I doubt that any of the matters - unless new matters are raised in Mr Cameron's consultation with employers, I don't see that there will be a need for arbitration.

30 I'd like to have a firm commitment to hold to that time frame, given the delays that have been experienced in this matter. We were very close to reaching agreement at the end of last year. We will be looking for an operative date of when we present the draft order to yourself. So, I'd like to very much lock in place that time frame and seek a 35 commitment from the TCCI to respond to my union within that time frame no later than 12 May.

PRESIDENT: What are you saying about operative date again?

40 MR PATERSON: We will propose an operative date once we've reached consent. It'll be no earlier than the date we reach consent or the date of hearing if a hearing is required.

PRESIDENT: Yes. But you're hopeful of some indication of consent from -

MR PATERSON: On the matters discussed between ourselves today, I think we've effectively reached a consent position. There's a couple of matters that I need to consider further.

PRESIDENT: But you're hopeful of getting some indication of consent on or by 12 May.

MR PATERSON: On or by 12 May. That therefore will be the earliest operative date.

10 PRESIDENT: Yes. Thanks, for that. How does that stand with your view of the world, Mr Cameron?

MR CAMERON: Thank you, Mr President. Yes, we've had quite fruitful discussions this morning and as Mr Paterson indicated, some of the amendments we've made to classifications 1 to 3 will help to identify employees who should be bound by the award.

Our problem obviously will be contacting our members. Being a new award, we have to discover who may be bound by the award. Unfortunately, our data base of company names doesn't necessarily tell us. We'll have to contact them. Hopefully, if they're in this particular industry they'll have technology sufficient to receive e-mails

PRESIDENT: I should have thought they would.

MR CAMERON: - so that that can hopefully speed the process. We will get back to Mr Paterson on or before 12 May as to whether there is general consent to the matters or otherwise that may need to be referred back to the commission for further discussion or arbitration.

PRESIDENT: Yes. A couple of things. You must have some idea of the numbers of employers who are members of your organisation.

MR CAMERON: We know the main ones, obviously, that will be covered and a lot of those, I think, Mr Paterson is aware and I believe a number of them have agreements already in place with the union. There are a number of smaller companies of course that we'll need to contact, in particular, internet service providers and some of the other tele-marketing and tele-sales areas where a particular business may have a division that is now moving into that area.

We would not know which companies do that. Any particular company could have that sort of marketing approach these days. We will do the best we can. Obviously, we can't contact everyone.

PRESIDENT: Will you be contacting just your members or going outside?

5 MR CAMERON: We'll probably be sending a copy of the award to other employer groups that we think may have some interest in it but mainly we will be just contacting our members and major employers that we know of.

PRESIDENT: Yes, all right. In terms of what Mr Paterson had to say about operative date. You'll be working on that on the basis of whether or not there's consent by that time?

10 MR CAMERON: Yes. We'll be notifying the parties at this stage, that the operative date will come into force in a particular time so there will be compliance by the employer straight away.

PRESIDENT: Do you want another date then, Mr Paterson, at this point?

15 MR PATERSON: I think that would be useful, if you're able to indicate the dates of your availability.

PRESIDENT: If that's the case, how long after 12 May would it be that you'd want? Do you want it on 12 May or close to 12 May?

MR CAMERON: The week after.

20 PRESIDENT: Within a week of 12 May.

MR PATERSON: Within a week of 12 May would be fine.

25 PRESIDENT: Well, we'll try to accommodate that. Thank you very much for your efforts this morning. I do hope we can get the award made by consent. It would be by far the most preferable way to proceed and I look forward to hearing the results of your further consultations and adjourn the hearing until a date within a week after 12 May. Thanks very much.

HEARING ADJOURNED 12.59am