

HEARING COMMENCED 4.30pm

COMMISSIONER: Can I have appearances please.

MR D. PYRKE: If the commission pleases, DARRYL PYRKE appearing on behalf of the Association of Professional Engineers, Scientists and Managers, Australia.

COMMISSIONER: Thank you, Mr Pyrke.

MR R. BROWN: If the commission pleases, BROWN R, appearing for the Tasmanian Chamber of Commerce and Industry Limited.

COMMISSIONER: Thank you, Mr Brown. Mr Pyrke?

10 MR PYRKE: Thank you, commissioner. Commissioner, this is an application to vary the award in relation to Principle 16 - Award Review Process, of the current Wage Fixing Principles. That being the case we have regard for what's in the principles themselves but also a memo issued by the industrial commission on 5 February 1998, I think it was.

15 That being the case, there's been a couple of changes to the award. Firstly, we have embraced the preferred format as promulgated in the commission's memo of 5 February 1998. We've also changed the award interest clause as basically - there is a preferred wording as part of the commission's memo and we've embraced that wording. We've also included reference to my organisation and that's arising from an application that was granted by the president back in 1995, and that was matter T5735.

20 Basically the president determined that we had an interest in the award but I guess he resolved to delay to issuing an order until there was something more substantive to talk about.

25 In terms of the commission's memo about the kinds of things that we should be addressing, there are some things that we just simply can't do at this stage because the award hasn't progressed far enough, and I give there as an example the requirement that the scope clause stands alone. Basically, if I can refer you to the scope clause, there's words there about architectural duties and other associated duties as hereinafter defined. Now the process of defining those terms is yet to unfold and obviously until it does we can't include the words that we need in the scope clause.

30 Those are the only changes that I can see, commissioner, only the changes to the formatting and also the change to the award interest clause.

I submit that those changes are consistent with the Wage Fixing Principles, that being the case I suggest that they're also consistent with the public interest.

5 On the basis of what I've said, I believe it's open to you to vary this award in the manner that we've sought and if you agree we ask that you vary the award with effect from the first pay period commencing on or after today's date. If the commission pleases.

COMMISSIONER: Thank you. Can we just go off the record at this point.

10 **OFF RECORD**

ON RECORD

COMMISSIONER: Mr Brown, what's your view in relation to this application?

15 MR BROWN: Thank you, commissioner. Our view - that is, the TCCI's view in respect to this application is that it comes before you as an agreed matter. I certainly concur with Mr Pyrke's submission in respect to the process and that it is consistent - well, the award, as proposed, is consistent with the Wage Fixing Principles and specifically with Principle 16 - Award Review, and we would concur that the award
20 be made - the decision be operative - that the award become operative as of the first full pay period on or after today's date.

COMMISSIONER: Thank you. Well, just before we adjourn the matter, there was an issue in relation to the numbering; do I take it that it's now agreed that the sections should be sequentially
25 numbered?

MR PYRKE: Yes, commissioner, yes. With hindsight perhaps I should have applied to vary the application - or amend the application - but certainly that's what's been proposed to you by your associate is certainly fine by me and I believe with Mr Brown.

30 MR BROWN: Yes, I certainly concur. I was speaking to the - what I believe to be - the amended draft order, that is, that it is Part I - Application and Operation of the Award, and Part II - Leave and Holidays with Pay.

COMMISSIONER: Thank you. I'll adjourn the hearing and issue a
35 decision in due course.

HEARING ADJOURNED 4.40pm