



Tasmanian Industrial Commission
Industrial Relations Act 1984

T No. **9353 of 2000**

IN THE MATTER OF an application by
the Australian Municipal,
Administrative, Clerical and Services
Union to vary the Barristers and
Solicitors Award

Re: insertion of a new subclause (d) in
Part III - Wages and Related Matters,
Clause 2 - Wage Rates

DEPUTY PRESIDENT WATLING

HOBART, 12 January 2001

TRANSCRIPT OF PROCEEDINGS

Unedited

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

HEARING COMMENCED 10.31am

DEPUTY PRESIDENT: I'll take appearances please.

MR I. PATERSON: If the commission pleases, IAN PATERSON
5 appearing for the Australian Municipal, Administrative, Clerical and
Services Union.

DEPUTY PRESIDENT: Thank you.

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

10 DEPUTY PRESIDENT: Good. Thank you. Mr Paterson?

MR PATERSON: Thank you, Mr Commissioner. This is a matter that
seeks to place into Part II, Clause 2 - Wages, a new subparagraph (d).

DEPUTY PRESIDENT: Now it raises the question is it Part II, Clause
2? Isn't it Part III, Clause 2?

15 MR PATERSON: It does in fact. My error. Thank you, commissioner.

DEPUTY PRESIDENT: You're seeking to amend your application?

MR PATERSON: I will further also seek to - need to seek to amend
the application. This particular application was made just prior to
Christmas when I was made aware of this matter and I haven't had
20 discussions with - were it only passing discussions with Mr Watson, so
I will, if it pleases the commission, I will seek leave to amend the
application in accordance with this document.

DEPUTY PRESIDENT: Good. Thank you. **EXHIBIT P.1.** You've no
objection?

25 MR WATSON: No.

DEPUTY PRESIDENT: No objection, leave is granted.

MR PATERSON: This matter was drawn to my attention by an office
manager/accountant from a law firm on the north west. Under the
previous - under the award as it existed by virtue of Order No. 2 of
30 2000, an accountant was entitled to a rate of pay of \$552.40. Under
Order No. 4 of 2000, this would translate to Grade 5 at \$532.00 or
Grade 6 at \$549.20. Therefore at law a person could be entitled to a
lesser rate of pay than they were previously on and as there are no
longer, in the standard format of the commission's, the sort of savings
35 clauses that may have once protected those persons, I saw the need to
insert a paragraph that would prevent or mean that no employee
should have their salary reduced as a result of translation to the new
classifications. So I seek to have the award amended in those terms

with an operative date of the first full pay period commencing on or after 11 December 2000.

I submit to you this is consistent with the principles of the commission and doesn't offend the public interest. If the commission pleases.

5 DEPUTY PRESIDENT: Mr Watson?

MR WATSON: Mr Deputy President, I can indicate that following discussions between myself and Mr Paterson, the document that you have before you today, as amended, is a consent matter. We've consented to this on the basis of the circumstances of the translation for this award and that obviously no-one should have their salary reduced as a result of translation and therefore it's a consent and we would submit that it's certainly not against the public interest and it is in accordance with the commission's principles and we would consent to the award variation from the first full pay period on or after 11 December 2000.

DEPUTY PRESIDENT: Good. I can indicate to the parties that I will approve the application and it will be operative from the date stated in the application. I'll hand down a written decision in due course followed by the appropriate orders.

20 That now concludes this matter, thank you.

HEARING CONCLUDED 10.35am