

HEARING COMMENCED 9.00am

COMMISSIONER: I'll take appearances.

5 **MS D. RALLINGS:** If the commission pleases, RALLINGS, D. from Australian Mines and Metals Association appearing on behalf of TEMCO.

COMMISSIONER: Thanks, Ms Rallings.

MR. G. COOPER: If the commission pleases, I appear on behalf of the Construction, Forestry, Mining and Energy Union, Tasmanian Branch - COOPER, G.

10 COMMISSIONER: Thanks, Mr Cooper.

MR K. BECKER: BECKER, K., I appear on behalf of the CEPU in this matter.

COMMISSIONER: Thanks, Mr Becker.

15 **MR T. HARDING:** Sir, HARDING, T., appearing on behalf of the AMWU.

COMMISSIONER: Thanks, Mr Harding.

MR R. FLANAGAN: If it pleases the commission, FLANAGAN, R., for the Australian Workers Union, Tasmania Branch.

COMMISSIONER: Thanks, Mr Flanagan. Well, Ms Rallings.

20 **MS RALLINGS:** If the commission pleases, the application before you today is to vary the TEMCO Enterprise Award by rolling in the salaries under the enterprise agreements by varying the travel allowances and also by varying the part-timer shift payment and the details are clearly outlined in the application before you.

25 I've just got one matter I'd like to explain in the application. On the last page of the application in Section B, we talk about deleting the salaries for part-time employees for shift payment.

30 Currently under the enterprise agreement and the award there's an error in the section relating to shift payments for part-timers and I'd just like to hand up an exhibit so I can explain what I'm talking about.

COMMISSIONER: Now what are we talking about again, Ms Rallings?

35 **MS RALLINGS:** I'll just explain. This exhibit is a copy from the current TEMCO enterprise agreement and what I want to refer you to is the top section of the page which has the heading 'PCS Shift Payment'. Now this clause is also identical in the enterprise award and

both the enterprise award and the enterprise agreement have an error and this is what I want to explain to you with this exhibit.

5 If you look at the top of the page you have an entry column and you have an annually column. If you look across to the application you can see that I've altered the annual column. In the enterprise agreement in the award if you look to the exhibit there's no salary next to entry point; it's as though the annually title has slipped down in the column. The entry point should be \$4,700. Grade 1 should be 4,900. Grade 2 should be 5,200, et cetera, et cetera.

10 So in the application here before you, I've corrected that, and if you look to the application for the entry point it's 4,700 - Grade 1 is 4,900 and if you look up to Grade 5 we now have a 6,100 dollar point.

COMMISSIONER: Right.

15 MS RALLINGS: So the application is a consent application and I submit that it meets all the legislative requirements as well as the wage fixing principles and it's in the public interest to approve this variation. The aim of the variation is to create an appropriate safety net in the award that applies to TEMCO in any circumstances of the sale of the TEMCO premises.

20 COMMISSIONER: Yes. So we're rolling over into the enterprise award the current enterprise agreement, rates of pay, shift allowances and travel expenses?

MS RALLINGS: I couldn't have said it better myself - and also correcting an error that appeared with the part-timer shift payment.

25 COMMISSIONER: Yes, and just for the record, the operative date will be the date of decision will it, Ms Rallings?

30 MS RALLINGS: In the application I've put the operative date as 31 October but I'm willing to amend that application to make it the date of approval by the commission if that has the consent of the other parties here today.

COMMISSIONER: Yes, well we'll see what the other side has to say. Thanks, Ms Rallings.

MS RALLINGS: If the commission pleases.

COMMISSIONER: Mr Cooper.

35 MR COOPER: Commissioner, my instructions in this matter are quite simple but the matter has been discussed on site and has been agreed and we simply endorse the submissions made by Mines and Metals in this matter and reiterate that it is in our view consistent with the public interest, the wage fixing principles and everything else you

have to consider and we'd seek it to be endorsed as soon as possible. If the commission pleases.

COMMISSIONER: Thanks, Mr Cooper. Mr Becker.

5 MR BECKER: Thanks, commissioner, yes, the principal reason behind this application is the impending sale and I don't think I need to tell you that there's been a few problems with that there and this is trying to eliminate one extra problem.

COMMISSIONER: Thanks, Mr Becker.

10 MR HARDING: Thank you, sir, I entirely agree with everything that's been said including the fact that this reflects the mining industry rates of pay that we'll talk about at some other date.

MR FLANAGAN: We support the application and the comments of the other parties, commissioner.

15 COMMISSIONER: Yes, thanks, Mr Flanagan. I think without too much comment, you and I know exactly where we are with mining rates, Mr Harding.

All right, well I indicate now this application will be endorsed operative either from 31 October or the date the commission approves it.

Thank you. The matter is closed.

20 **HEARING CONCLUDED 9.10am**