

DEPUTY PRESIDENT: I'll take the appearances please, Mr Paterson?

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

5 DEPUTY PRESIDENT: Thank you Mr Paterson. Mr Shelverton?

**MR D. SHELVERTON:** If the commission pleases, DENNIS SHELVERTON, secretary of the Musicians Union and also secretary of the Media Entertainment and Arts Alliance.

DEPUTY PRESIDENT: Thank you Mr Shelverton. Mr Brown?

10 **MR R. BROWN:** If the commission pleases, BROWN R., on behalf of the TCCI.

DEPUTY PRESIDENT: Thank you Mr Brown. Mr Paterson?

15 MR PATERSON: Mr Deputy President, this matter came to my attention when we were preparing the orders for the \$10 safety net increases. It became obvious to me that this award, in fact, had not had the third because the second was inadvertently left off the list of awards varied. I believe that matter was raised in correspondence with the union, and now, to redress that the union - well, my union - has made the application to vary the wage rates to give effect to the second and third \$8 safety net adjustments.

20 This is done in accordance with the Wage Fixing Principles of the commission that allowed - or provided - for those matters to be done, no sooner than 14 September, this application being made after that date, and having the effect of putting into the award the two \$8 safety net increases that were omitted from previous batches of award variations done by my union. I submit it meets the requirements of the Act and the Wage Fixing Principles and doesn't offend the public interest requirements. In effect it is giving effect to the Wage Fixing Principles.

25 Just a point of clarification, in doing the calculations what I have done is applied the same amount that was in fact the first \$8 safety net increase. The award had a safety net of 20 cents, which went to 45 with the \$10 increase, so I've just applied the 20 cents per hour rate to the classifications that have an hourly rate in them, that therefore being 40 cents an hour to give effect to the second and third safety net adjustments.

30 It's my understanding that this is proceeding as a consent matter, and I've discussed the application with Mr Brown from the TCCI and would seek the order to be - the application to be - the award to be varied

and the order to have effect from today's date or first full pay period commencing on or after today's date. If the commission pleases.

DEPUTY PRESIDENT: Mr Paterson, what is the position with the minimum rates adjustments in this award?

5 MR PATERSON: To the best of my knowledge and currently from the classifications and wage rates in the award there doesn't appear to have been any minimum rates adjustment process to these classifications.

10 I must make it clear, I suppose, from the unions point of view that this is not one of our priority awards to attend to in that process. We have other awards such as Barristers and Solicitors Award, Public Accountants Award that in our view would have much greater number of employees subject to them where the clerical classifications have not been through a skills based transformation and a minimum rates  
15 adjustment process. Yes, we're aware of the problem, but as I say it's certainly not one of our priority awards for that process.

DEPUTY PRESIDENT: All right. I think it's appropriate for me to say that I will look to the parties to set the machinery in place to bring those matters up to date in the award review process that I expect will  
20 commence early next year. Thank you Mr Paterson.

MR PATERSON: I'll certainly take that on notice and do what's necessary to prepare ourselves to engage in that process.

DEPUTY PRESIDENT: Yes. Mr Shelverton?

25 MR SHELVERTON: Thanks Mr Commissioner. I support the applications as lodged by my colleague. I'm in a little bit of a bind at the moment, I've only just become secretary of MEAA, but there are a couple of issues that we need to attend to in relation to the award. In particular to vary the scope plus the wage rates at Division A, and the conditions of employment. And from the musicians point of view the  
30 parties and persons bound clause needs to actually be attended to. From memory some five years ago the musicians union state award was hived off from the state entertainment award and its own award formed, but the musicians union are still cited in the current scope of the award. So the only thing I can do is an application would be  
35 lodged to have those matters rectified.

DEPUTY PRESIDENT: Yes , Mr Shelverton, it might be better if you were to - before lodging the application - take up those, and the other matters, with the other unions involved and the employer because there will be other issues in the award, such as the minimum rates  
40 adjustment that I've mentioned, that will need to be dealt with in the award review process, and that seems to me to be an appropriate

forum for you to use, because it will allow consultation with the employer and other unions and we'll all, by that means, keep control of things.

Mr Brown?

- 5 MR BROWN: Thank you commissioner. It is the TCCI's position that we've gone through the draft order as provided fairly stringently and checked all the rates and believe them to be correct, and that the draft order and application is in accordance with the Wage Fixing Principles. It is not contrary to the public interest and therefore it is our position,  
10 as alluded to by Mr Paterson, that we consent to the application as put before you today.

In respect to some of those other issues that need to be dealt with, I put forward that the TCCI would support your recommendation that they're dealt with within the award review process. Thank you.

- 15 DEPUTY PRESIDENT: thank you Mr Brown, in the circumstances I'm satisfied that the application fulfils the requirements of the Wage Fixing Principles and does not offend the more general public interest requirements of section 36 of the Act. Accordingly I will vary the award in terms of the application.
- 20 My order, when it issues, will be effective from the first full pay period to commence on or after today's date.

There is nothing further for the record, that concludes the hearing of matter T7311 of 1997.

**HEARING CONCLUDED**