



*Tasmanian Industrial Commission*  
Industrial Relations Act 1984

**T Nos. 9245, 9248, 9251,  
9275 and 9278 of 2000**

**IN THE MATTER OF** applications by the Australian Liquor, Hospitality and Miscellaneous Workers Union - Tasmanian Branch, the Australian Municipal, Administrative, Clerical and Services Union, the Shop, Distributive and Allied Employees Association, Tasmanian Branch, The Australian Workers' Union, Tasmania Branch and The Australasian Meat Industry Employees Union, Tasmanian Branch, respectively, to vary nominated awards

Re: to increase the meal allowance provision where appearing in each award, as identified, to reflect consumer price index movements in the category of meals out and take away foods [Reference ABS 6401.0] for the period June 1999 to June 2000

**FULL BENCH:**  
DEPUTY PRESIDENT WATLING  
COMMISSIONER IMLACH  
COMMISSIONER ABEY

HOBART, 23 NOVEMBER 2000

**TRANSCRIPT OF PROCEEDINGS**

Unedited

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

**HEARING COMMENCED 10.35am**

DEPUTY PRESIDENT: I'll take appearances, please.

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

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

**MR C. BROWN:** If the commission pleases, C. BROWN, appearing for the Health Services Union of Australia, Tasmania No. 1 Branch in matter T9248.

**MR P. GRIFFIN:** Members of the bench, I appear on behalf of the Shop Distributive and Allied Employees Association, Tasmanian Branch, GRIFFIN P., in application T9251.

**MR G. GOSS:** If it please the bench, GEORGE GOSS, for the Australian Liquor, Hospitality and Miscellaneous Workers Union in matter T9245 of 2000.

**MR J. O'NEILL:** If it pleases, members of the bench, O'NEILL J., appearing for and on behalf of the Tasmanian Chamber of Commerce and Industry Limited, also making an appearance for the Australian Mines and Metals Association, if it pleases.

DEPUTY PRESIDENT: Thank you. Who's batting? Mr Paterson?

MR PATERSON: Thank you, commissioner. I think probably there's a preliminary matter. We'd seek to have these matters joined formally, to be heard together. I trust there's no opposition to that course of action.

DEPUTY PRESIDENT: No opposition? They will be joined, Mr Paterson.

MR PATERSON: I believe I'm correct in saying that I provided the excerpt from the ABS Consumer Price Index Publication No. 6401.0 for the June Quarter 2000 as part of the application. I do have copies here that can be tendered as evidence if required.

DEPUTY PRESIDENT: Yes, the sub group, the Food Group, yes, from the June quarter 1999 to the June quarter 2000. Thank you.

MR PATERSON: If the commission pleases, this is an application that is consistent with applications made in previous years, consistent with the principles of the commission established in previous matters. The application seeks to apply a percentage increase. As outlined in the application the percentage increase movement of the relevant indices from June 1999 to June 2000 is 3.75 per cent.

As is identified in the meals out and takeaway food index, the June quarter 1999 figure for the index was 125.2, the June quarter 2000 was 129.9. Applying that and determining that as a percentage increase produces that number I referred to, 3.75 per cent.

5 The application also identifies the previous cases that have come before the commission. Unless the commission requires me to address that matter, I would just rely on the fact that, particularly T5763 of 1995, T6107 of 1996, T6582 of 1996 and T6597 of 1996 established this as a firm principle on which the commission varies expense-  
10 related allowances according to movement in the relevant index and those previous matters before the commission have established that this is the relevant index to use.

I further submit that this application is consistent with the Wage Fixing Principles of the commission, specifically, Principle 7 -  
15 Allowances, 7.1.1 - Existing Allowances. Further, it's consistent with the requirements of the Act in terms of the public interest and I submit that the increases as sought by the various applicants in respect of movement of the allowances in the specified awards be approved and approved with effect from the first full pay period  
20 commencing on or after this date.

In respect of my union's application, I have endeavoured, and I believe fully and accurately endeavoured to ensure that the reference numbers to clauses are accurate. I would suggest that there may be omissions and I trust that there's none but that the application be  
25 errors and omissions excepted in terms of any erroneous references in the clauses as referred to. If the commission pleases.

DEPUTY PRESIDENT: Thank you. Any further submissions from the union side? Mr Flanagan?

MR FLANAGAN: No further submissions, simply to support the  
30 submissions made by the Australian Services Union and to indicate likewise, that in terms of referencing the AWU has attempted to amend, or to place into the clause numbering the new clauses as a consequence of the award simplification process. If it pleases the commission.

DEPUTY PRESIDENT: Thank you. Any further submissions? Mr Brown?

MR BROWN: Members of the bench, the HSUA supports the application made by Mr Paterson and we also believe that the application is consistent with the Wage Fixing Principles and meets  
40 the public interest requirements of the Act. If the commission pleases.

DEPUTY PRESIDENT: Thank you. Mr Griffin?

MR GRIFFIN: Members of the bench, the SDA supports and endorses the submission made by Mr Paterson and the members from this side of the bench and I understand that in respect of the principles that are relevant to these applications are within those guidelines. Thank you.

5 DEPUTY PRESIDENT: Good. Mr Goss?

MR GOSS: If it pleases the full bench, the Australian Liquor, Hospitality and Miscellaneous Workers Union supports the application by the ASU in regards to the ASU's submission.

DEPUTY PRESIDENT: Thank you. Mr O'Neill?

10 MR O'NEILL: Thank you. Members of the bench, we consent to the applications before the full bench today. We concur with Mr Paterson's submissions to you. The applications are in accordance with Principle 7 of the Wage Fixing Principles of this commission and does not offend the public interest in any way. If it pleases.

15 DEPUTY PRESIDENT: Thank you. Your submission on the operative date? Do you agree to the operative date?

MR O'NEILL: Yes, we do.

DEPUTY PRESIDENT: The first full pay period to commence on or after today?

20 MR O'NEILL: Yes.

DEPUTY PRESIDENT: We can indicate to you that we'll hand down a written decision in due course but it will be in favour of varying the awards in the manner sought and the operative date will be the first full pay period to commence on or after today, however, this decision  
25 will be converted to writing.

The matter is now concluded. Thank you.

**HEARING CONCLUDED 10.42am**