

AUSCRIPT AUSTRALASIA PTY LTD

ABN 72 110 028 825

Suite 25, Trafalgar Centre 108 Collins St HOBART Tas 7000

Tel:(03) 6224-8284 Fax:(03) 6224-8293

**AUSCRIPT**

**TRANSCRIPT OF PROCEEDINGS**

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O/N 3497

**TASMANIAN INDUSTRIAL COMMISSION**

**COMMISSIONER J.P. McALPINE**

**T No 12844 of 2006**

**HEALTH SERVICES UNION OF AUSTRALIA,  
TASMANIA NO 1 BRANCH**

**and**

**COMMUNITY SERVICES AWARD**

**Application pursuant to the provisions of  
section 29(2) of the Industrial Relations Act 1984  
re Part III - Wage Rates and Related Matters,  
Clause 1 - Wage Rates, subclause (a)**

**HOBART**

**11.15 AM, THURSDAY, 30 NOVEMBER 2006**

**This transcript was prepared from tapes recorded  
by the Tasmanian Industrial Commission**

**HEARING COMMENCED**

**[11.15am]**

PN1

MR T. KLEYN: I appear for the Health Services Union of Australia, Tasmania Number 1 Branch.

PN2

THE COMMISSIONER: Thank you. I thought maybe getting you to wear a tie twice in a row might have been a bit much.

PN3

MR KLEYN: Commissioner, I have just been at a rally, so - - -

PN4

THE COMMISSIONER: Was there a rally today?

PN5

MR KLEYN: Yes, national - part of the national day of action, so we had about 2000 - - -

PN6

THE COMMISSIONER: I thought it was because it was St Andrew's Day that you were all on the streets.

PN7

MR DAWSON: Well, it didn't cross my mind - - -

PN8

THE COMMISSIONER: No, I see.

PN9

MR KLEYN: - - - but I guess that is why a lot of people were there.

PN10

MR KLEYN: That's probably why.

PN11

MR M. SWANTON: I appear for the Australian Services Union, Tasmania Branch.

PN12

MS S. HAAS: I appear for the Tasmania Chamber of Commerce and Industry Limited.

PN13

THE COMMISSIONER: Thank you.

PN14

MR KLEYN: Commissioner, this application was merely a housekeeping exercise. It is a tidying-up of the Community Services Award. It seeks to remove one of the wage rates, or the table of wage rates, which were inserted by yourself in a decision of 9 September, and this arises from the T9925 of 2001, an application by the ASU re the work value case. Now, in

that decision of last year - September last year, the award was varied to include steps two and three of the outcome of the work value case.

PN15

So the award had two sets of wage rates, one effective from 1 October 2005, one effective from 1 October 2006. What this application does is remove the wage rates for October 2005, so we just have one set of wage rates, and it also removes the proviso regarding the State wage case because they were incorporated into the wage rates. So that removes any confusion. So in our view it is consistent with wage-fixing principles, and consistent with the public interest test of the Act, and unless you have got any questions, that is all I have to say, and ask for it to be approved, operative from today.

PN16

THE COMMISSIONER: Okay, thank you.

PN17

MR SWANTON: Commissioner, my apprentice Ian Patterson, an industrial officer, was the person responsible for this template, and I concur fully with my brother industrial officer Tom Kleyn, in relation to the housekeeping nature of this, and just to allay confusion, the ASU would concur totally with this submission that this new document be inserted in place.

PN18

THE COMMISSIONER: Okay.

PN19

MR SWANTON: And that would be my submission.

PN20

THE COMMISSIONER: Thank you, Mr Swanton.

PN21

MR SWANTON: Thank you.

PN22

MR KLEYN: Ms Haas?

PN23

MS HAAS: If the Commission pleases, the Tasmanian Chamber of Commerce and Industry Limited supports the application and consents to the variation. We agree that it is in the public interest and does not offend the principles of the Commission, and it is merely a housekeeping exercise that keeps the award more reader-friendly, which we like.

PN24

THE COMMISSIONER: Very good. Thank you. Well, there is obviously - it is a housekeeping matter. I don't have an issue with it. My suggestion, though, is that the operative date, rather than today, should be from 1 October, when it actually came in. Do you have any objections to that?

PN25

MR KLEYN: Yes, you were absolutely correct, it should - yes.

PN26

THE COMMISSIONER: All right. Okay, look, I am very happy to approve that, and, as you say, it makes it an awful lot easier to read.

PN27

MR SWANTON: Yes.

PN28

MR KLEYN: Okay. Thank you. I will adjourn.

**ADJOURNED INDEFINITELY**