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TRANSCRIPT OF PROCEEDINGS

O/N 111572

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER J.P. McALPINE

T No 13480 of 2009

TASMANIAN STATE SERVICE AWARD and the HEALTH AND HUMAN SERVICES (TASMANIAN STATE SERVICE) AWARD

**Application pursuant to the provisions of section 23(2)(b) of the
Industrial Relations Act 1984 lodged by the Minister administering
the State Service Act 2000 to vary the above award to amend meal
and travel allowances consistent with the variation to the rates as
published by the Australian Taxation Office**

HOBART

10.30 AM, WEDNESDAY, 22 JULY 2009

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THE COMMISSIONER: Can I have appearances, please?

MR P. BAKER: Sir, I appear on behalf of the applicant. P. Baker.

5 THE COMMISSIONER: Thank you.

MS K. JACKSON: Good morning, Commissioner, Kate Jackson, on behalf of the CPSU (SPSFT) Inc.

10 THE COMMISSIONER: Thank you.

MR T. JACOBSON: If the commission pleases, Tim Jacobson, and with me is SHELLEY SHAY, appearing on behalf of the Health Services Union of Australia, Tasmania Number 1 Branch.

15

THE COMMISSIONER: Thank you. Mr Applicant, I guess, it's over to you.

MR BAKER: Thank you, sir. This is simply an update of the award.

20 THE COMMISSIONER: Nothing is simple, don't start.

MR BAKER: I trust this is this morning. It's an update of the two awards, the Tasmanian State Service Award and the Health and Human Services Award, in relation to Part IV, Expense and Other Allowances, Meal Allowances, Travel
25 Allowances, and, consistent with the award, they have been – or it is proposed to vary those rates in accordance with the movements as prescribed by the Australian Taxation Office. The Tax Office issues a yearly update for these rates. I have presented to the commission an extract from the determination, TD2009/15, which is
30 on the back of the draft order, which supports the increases in most of the rates, as outlined in the draft order.

THE COMMISSIONER: All right. So I'll just put that down as M1, just so we know we've got it.

35

EXHIBIT #M1 EXTRACT FROM DETERMINATION TD2009/15

40 THE COMMISSIONER: Okay.

MR BAKER: As was agreed between the parties when these two awards were made, it was agreed that in future – sorry, I beg your pardon Commissioner – it was agreed that the rates would reflect those rates which are published by the Australian Taxation Office in the reasonable amounts for meal and overnight allowances, and it
45 was also further agreed by the parties that each year the allowances would be updated in accordance with the movements, as prescribed by the ATO.

On that basis, sir, we would seek that the awards be varied in accordance with the draft order, as presented to the commission. We would say that it's consistent with the wage fixing – I'm sorry, I think – no, they're still with us. They're still with us until Friday, so therefore I would propose that they are consistent with the wage
5 fixing principles, and the application is consistent with section 36 of the Act for the public interest test.

THE COMMISSIONER: Thank you.

10 MR JACOBSON: Commissioner, we concur with the submissions made by the minister with respect to this matter, and also that in fact it meets the requirements of the wage fixing principles, and it doesn't offend other public interest, as outlined in section 36 of the Act.

15 THE COMMISSIONER: Okay. No comment other than that?

MR JACOBSON: No comment other than that.

20 THE COMMISSIONER: Excellent. Fine.

MS JACKSON: Commissioner, we concur also with the HSUA submission. We're satisfied with the expense allowance variation as proposed.

25 THE COMMISSIONER: All right.

MS JACKSON: Thank you.

THE COMMISSIONER: Now, from me what is the operative date?

30 MR BAKER: The operative date would be the first full pay period on or after today, sir.

THE COMMISSIONER: Okay. Happy with that.

35 MR BAKER: Or date of decision, which presumably will be today.

THE COMMISSIONER: Yes. Happy with that. Everybody comfortable with that?

40 MR JACOBSON: Yes, Commissioner.

MS JACKSON: Yes, Commissioner.

45 THE COMMISSIONER: All right. Well, I agree with the three of you that it doesn't offend the wage fixing principles or the public interest. I'm happy to approve this as of the first full pay period from today. Thank you. I'll adjourn.

MATTER ADJOURNED INDEFINITELY

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EXHIBIT #M1 EXTRACT FROM DETERMINATION TD2009/15

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