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**AUSCRIPT**

## TRANSCRIPT OF PROCEEDINGS

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O/N 58483

### **TASMANIAN INDUSTRIAL COMMISSION**

### **COMMISSIONER T.J. ABEY**

**T No 12984 of 2007**

### **POLICE AWARD**

**Application pursuant to the provisions of  
section 23(2)(b) of the Industrial Relations Act 1984  
by the Police Association of Tasmania to vary the  
above award re expense-related allowances**

**HOBART**

**2.15 PM, WEDNESDAY, 4 JULY 2007**

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

PN1

MR M. KADZIOLKA: I appear on behalf of the Police Association of Tasmania.

PN2

MR T. MARTIN: I appear on behalf of the Commissioner of Police, as the controlling authority.

PN3

THE COMMISSIONER: Thank you. Mr Kadziolka, can you outline your position please?

PN4

MR KADZIOLKA: Thank you, Commissioner. I had always anticipated Mr Martin's appearance for the Commissioner of Police drawing the crowds, but I didn't anticipate it in this matter. Commissioner, this application relates to a review of expense-related allowances in the police award, and in addition a housekeeping matter of changing some terminology because of a change in name to a group of operational police officers. The variation, Commissioner, only to the expense-related allowances only relates to the quantum of those allowances. The rates of reimbursement, the provisions otherwise remain unchanged.

PN5

Before the submissions, Commissioner, I would just seek leave to amend the claim. The reason for that is, sir, that the travelling - the motor vehicle expenses have been increased in the same manner as the other expense-related allowances, and that is not in keeping with the Commission's normal practice established in T33 of 1985. So I will just seek to amend the application, Commissioner, to reflect the rates that appear now in the general conditions of employment award, number 1 of 2007 consolidated, and that is in keeping with the current police award provision at 11(7)(iii) as well.

PN6

THE COMMISSIONER: Do you have any objection, Mr Martin, to the

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PN7

MR MARTIN: No, Commissioner. The parties discussed the matter earlier today.

PN8

HIS HONOUR: Yes. Leave to amend is granted, Mr Kadziolka.

PN9

MR KADZIOLKA: Thank you. I will just run through those rates, if it please the Commission. With the clause motor vehicle expense allowance, 11(7)(i)(b), the claimed amount of \$46 - there are four rates. The claimed amount of \$46.20 is now \$45.20. The second figure, the claimed amount is

39.75; that is now 38.87. The third, the claimed amount is 24.50; it is now 23.96. And the fourth figure, fourth amount is - the claimed amount is 21.25; it is now 20.79.

PN10

THE COMMISSIONER: Yes. Do you have a document to that effect that you might hand to my associate later or - - -

PN11

MR KADZIOLKA: I can - I will amend our documentation and forward it through.

PN12

THE COMMISSIONER: Okay.

PN13

MR KADZIOLKA: I am sorry, this was rather a late consideration.

PN14

THE COMMISSIONER: Thank you.

PN15

MR KADZIOLKA: Thank you, Commissioner. I would just like to say in relation to that, Commissioner, the general conditions of employment award hasn't - in relation to these matters hasn't been amended since January 2006, so we will be reviewing those rates, and it may be the case - may be the cause of a further separate application in the future.

PN16

THE COMMISSIONER: Yes.

PN17

MR KADZIOLKA: Commissioner, the parties have conferred on the allowances and the application is an agreed matter. The rates have been adjusted in accordance with a formula established in T833 of '87. The adjustments based as it normally is on the consumer price index, calculated for the period March to March, on this occasion March 2006 to March 2007. The quantum of the increase is 2.44 per cent. Commissioner, I will now tender the method of calculation to arrive at that figure, together with a document which has been downloaded direct from the Australian Bureau of Statistics website, which indicates the changes to the indices for the relevant quarter. Thank you.

PN18

THE COMMISSIONER: I will mark the document headed up Expense-Related Allowances: Consumer Price Index Numbers, I will mark that A1.

**EXHIBIT #A1 EXPENSE-RELATED ALLOWANCES: CONSUMER PRICE INDEX NUMBERS**

PN19

THE COMMISSIONER: And the ABS document, I will mark that A2.

**EXHIBIT #A2 AUSTRALIAN BUREAU OF STATISTICS  
DOCUMENT**

PN20

MR KADZIOLKA: Thank you, Commissioner. As you would be aware, the formula for determining the increases by subtracting the previous March quarter index points of the weighted average of the eight capital cities from the current March quarter, thereby establishing the figure which I indicated is 2.44 per cent. This is a routine amendment, and as I have indicated it is agreed. In relation to the terminology change, Commissioner, in the award, the special capability unit as it appears currently has been split into two groups and re-named.

PN21

The first of those groups is the special operations group, which performs this duty as a secondary role, and the second group is the specialist capability group, which performs the role in a full-time capacity. As a result, Commissioner, as per our application, there have been a number of changes in the award to reflect this change - or these changes. There have been no alterations to conditions or requirements on these members. The change I reiterate is only one to terminology. There is no effect apart from that.

PN22

THE COMMISSIONER: Where is that? Which section of the application are you referring to now?

PN23

MR KADZIOLKA: I am - now, this may be a little bit embarrassing, Commissioner. I didn't prepare the paperwork on this. What I have in my file, which I thought was attached to the application, was a document called police award 2 of 2004.

PN24

THE COMMISSIONER: 2, yes. That is right.

PN25

MR KADZIOLKA: And it goes through all the amendments, what is deleted, what is replaced.

PN26

THE COMMISSIONER: Yes. I have that document. And as is always the case with your organisation, Mr Kadziolka, it is complete and accurate as far as I can see. But I just can't pick up exactly where you are referring to this particular change.

PN27

MR KADZIOLKA: Thank you, Commissioner.

PN28

THE COMMISSIONER: It doesn't matter. We will move on. It will become apparent I am sure.

PN29

MR KADZIOLKA: It is apparent. Every item we have changed is specified in that document.

PN30

THE COMMISSIONER: Yes.

PN31

MR KADZIOLKA: Thank you. Commissioner, that concludes the explanation of the variation sought. In relation to the expense-related allowance, the current wage-fixing principles, I submit, are satisfied in relation to this matter, as the allowances are existing allowances and principle 8.1.1 provides that where allowances constitute a reimbursement of expenses, they may be adjusted from time to time to reflect the relevant changes in the level of such expenses. And I submit, Commissioner, that is all we have sought to do, all we have sought to achieve in this matter.

PN32

Further, just one other matter, Commissioner, in my submission, Commissioner, the application satisfies the requirements of section 36 of the Industrial Relations Act. The public interest consideration: it does nothing at all to offend that consideration. As to the date of operation, which is actually the final matter, I would request, and it is agreed, that it be from date of decision. That is all I have in relation to this matter, Commissioner, unless you have any questions?

PN33

THE COMMISSIONER: Date of decision of first pay period? I am easy either way, but what is it?

PN34

MR KADZIOLKA: Date of decision please, Commissioner.

PN35

THE COMMISSIONER: Yes. Mr Martin?

PN36

MR MARTIN: Thank you, Commissioner. Mr Kadziolka has explained an outline of the expense allowances side of the application rather well, so I have nothing to add, other than that the controlling authority agrees with the application. In relation to the change of the group, upon receipt of the application the Commissioner sought advice from the operational area concerned. And the information that the Commissioner has received back from that is that there is no structural change to anything other than purely a name change. The Commissioner did inquire as to why the change was being made now, as opposed to under the EB, as you understand that the process has commenced in relation to the new award. The request was that

it be changed prior to that process, and the Commissioner has agreed with that.

PN37

THE COMMISSIONER: Yes.

PN38

MR MARTIN: If the Commission pleases.

PN39

THE COMMISSIONER: Yes. Having heard the parties, I am satisfied that the application is consistent with both the wage-fixing principles and the public interest requirements of the Act. The application is approved, operative from 4 July 2007. A formal decision to that effect will be issued in the next few days. On that basis, the Commission stands adjourned.

**ADJOURNED INDEFINITELY**

**[2.25pm]**

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