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**AUSCRIPT**

## TRANSCRIPT OF PROCEEDINGS

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O/N 2115

### TASMANIAN INDUSTRIAL COMMISSION

#### COMMISSIONER T.J. ABEY

**T No 12232 of 2005**  
**T No 12233 of 2005**  
**T No 12234 of 2005**  
**T No 12235 of 2005**  
**T No 12236 of 2005**

#### **MOBILE CRANE HIRE AWARD** **BUILDING AND CONSTRUCTION INDUSTRY AWARD** **BUILDING TRADES AWARD**

**Applications pursuant to the provisions of  
section 23(1) of the Industrial Relations Act 1984  
by the Construction, Forestry, Mining and Energy  
Union to vary the above awards re expense related  
allowances and meal allowances**

#### **HOBART**

**10.40 AM, FRIDAY, 9 SEPTEMBER 2005**

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

## HEARING COMMENCED

[10.40am]

PN1

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

PN2

THE COMMISSIONER: Welcome in your role.

PN3

MS HAAS: Thank you.

PN4

MR T. BENSON: I appear on behalf of the CFMEU, Tasmanian Branch.

PN5

THE COMMISSIONER: Thank you. Is there any reason why we can't deal with these altogether?

PN6

MR BENSON: No reason at all that I can see of, Commissioner.

PN7

THE COMMISSIONER: Right. Who do I - Mr Benson?

PN8

MR BENSON: I might just have to go through a short little history, Commissioner, in relation to the Building Trades and the Building and Construction Industry Award, given that I have put applications in to increase the meal allowance for the period 1 July 2002 to 30 June 2003 and the same, 1 July 2003 to 2004. I don't know what happened previously, but I have obviously omitted to do that. So I am seeking to do it this time. I have given all of the documentation to the necessary parties. I have had no complaints in relation to that. I have handed up the Commission orders from the period 2003 and the 2004 period from Commissioner Cargill and Deputy President - the senior Deputy President Drake in relation to those matters. I would seek that those variations be approved.

PN9

Also, the Building and Construction Industry Award and the Building Trades Award, dealing with it together, the applications clearly indicate the old rate, the calculations and the new rate. The eight capital cities weighted index average is indicated there. The orders also from the Federal Commission, from Commissioner Harrison, accompany those. We don't believe the matters are matters that would offend the Act or the public interest. We also rely on the existing allowances provision in the principles, the State principles. I don't know if you want me to read it onto transcript or not?

PN10

THE COMMISSIONER: No, that is not necessary.

PN11

MR BENSON: What we would do in relation to those matters - and if you want me to go through the Mobile Crane Hire at the same time?

PN12

THE COMMISSIONER: Yes, if you could deal with them all.

PN13

MR BENSON: Yes. The circumstances are exactly the same for the Mobile Crane Hire Award, Commissioner. The documentation is there, indicates the old rates, calculation and new rates. As with everything else, all the documentation has been given to all the parties and we seek that the applications be approved from today's date or from the first full pay period on or after today's date, Commissioner.

PN14

THE COMMISSIONER: So there is a catch-up of two previous years in relation to the meal allowances?

PN15

MR BENSON: There is, Commissioner, in both those building awards.

PN16

THE COMMISSIONER: Yes.

PN17

MR BENSON: That is correct.

PN18

THE COMMISSIONER: And then - so there is catch-up, and then for the past year will overtake, so there will be one new rate to apply from one operative date?

PN19

MR BENSON: That is correct. That is in the 2004/2005 application.

PN20

THE COMMISSIONER: Yes.

PN21

MR BENSON: And that takes the rate to \$10.20, I believe it is, Commissioner, which is consistent with the Federal award at this point in time given that we are maintaining our nexus with the Federal award. And I do realise that \$10.20 is below the State standard here.

PN22

THE COMMISSIONER: Yes. Thank you, Mr Benson.

PN23

MR BENSON: Thank you.

PN24

THE COMMISSIONER: Mrs Haas?

PN25

MS HAAS: Thank you, Commissioner. These are all applications by the Construction, Forestry, Mining and Energy Union, Tasmania Branch to vary the Building Trades Award, Building and Construction Industry Award and the Mobile Crane Hire Award to increase the expense related allowances and the meal allowances. The TCCI consents to all applications. Copies of the applications were received by the TCCI on 24 August 2004. We submit that the applications are accordance with the wage fixing principles and do not offend the public interest. The figures have been checked, as with the CPI figures and the clause references, and they all appear to be correct. We consent to the operative date being from today. If the Commission pleases.

PN26

THE COMMISSIONER: Having heard the parties, I am satisfied that the applications are consistent with the wage fixing principles and the public interest requirements of the Act. The applications will be granted, operative from 9 September 2005. A formal decision to that effect will be issued in the next few days. On that basis, the Commission stands adjourned.

**ADJOURNED INDEFINITELY**

**[10.45am]**