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## **TRANSCRIPT OF PROCEEDINGS**

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O/N 9911

### **TASMANIAN INDUSTRIAL COMMISSION**

#### **COMMISSIONER P.C. SHELLEY**

**T No 11104 of 2003**

#### **MOBILE CRANE HIRE AWARD**

**Application pursuant to the provisions of  
section 23(2)(b) of the Industrial Relations Act 1984  
by the Construction, Forestry, Mining and Energy  
Union to vary the above award to increase related  
allowances to take into account movements in the CPI**

**HOBART**

**9.30 AM, MONDAY, 17 NOVEMBER 2003**

**HEARING COMMENCED**

**[9.30am]**

PN1

MR T. BENSON: I appear on behalf of the Construction, Forestry, Mining and Energy Union, Tasmania Branch.

PN2

MR P. MAZENGARB: I appear for the Tasmanian Chamber of Commerce and Industry Limited.

PN3

THE COMMISSIONER: Mr Benson?

PN4

MR BENSON: Commissioner, before I start there is a necessary amendment that has been brought to my attention by my learned friend. In part 7 clause 2, clothing and protective equipment, it should read subclauses (b) and (d), not (b) and (c).

PN5

THE COMMISSIONER: Right, okay. So - - -

PN6

MR BENSON: Also, Commissioner - - -

PN7

THE COMMISSIONER: Just hang on? It should read?

PN8

MR BENSON: Subclause (b) and (d).

PN9

THE COMMISSIONER: Not (b) and (c)?

PN10

MR BENSON: Not (b) and (c).

PN11

THE COMMISSIONER: Yes, thank you.

PN12

MR BENSON: Also, Commissioner, I would like to hand up to you a copy of the order from the Federal Industrial Relations Commission in relation to the Federal Mobile Crane Hiring Award.

PN13

THE COMMISSIONER: We will mark that A1 - and does Mr Mazengarb have a copy of that?

PN14

MR BENSON: Yes, he does.

PN15

THE COMMISSIONER: Thank you.

**EXHIBIT #A1 COPY OF FEDERAL INDUSTRIAL RELATIONS  
COMMISSION ORDER IN RELATION TO FEDERAL MOBILE  
CRANE HIRING AWARD**

PN16

MR BENSON: Commissioner, the CFMEU hands it up because we intend to maintain the nexus with that Federal award. In relation to the application this morning the application indicates the old rate, the calculations and the new rate. We believe the application conforms with the allowance principles of the Commission, that being clause 8 allowances:

PN17

*Existing allowances which constitute a reimbursement of expenses  
...(reads)... reflect the relevant changes in the level of such expenses.*

PN18

We don't believe the application offends the public interest. We don't believe it is in conflict with the Industrial Relations Act and we have provided a copy to the other party in relation to this and we seek an operative date from today's date, Commissioner, thank you.

PN19

THE COMMISSIONER: So that is the first full pay period after today's date.

PN20

MR BENSON: That is correct.

PN21

THE COMMISSIONER: Okay. Now, the rates for transportation, they actually don't change - that is right, is it?

PN22

MR BENSON: That is correct, Commissioner.

PN23

THE COMMISSIONER: Okay.

PN24

MR BENSON: The old rate calculated and the new rate indicates there is no change.

PN25

THE COMMISSIONER: Okay, thank you. Mr Mazengarb?

PN26

MR MAZENGARB: Thank you, Commissioner. I am pleased to advise that we have examined the application and the view of the TCCI is that the application is consistent with both the wage fixing principles and the public interest requirements of the Industrial Relations Act so therefore, as I indicated, we are not opposing the application and we would be agreeable to the amendment to the award as sought - or the variation to the award as sought by

the application, with effect from the first full pay period on or after today's date. If the Commission pleases.

PN27

THE COMMISSIONER: Thank you. I indicate to the parties that the award will be varied in the manner sought with the operative date the first full pay period on or after today's date and an order will issue in due course. The matter is adjourned.

**ADJOURNED INDEFINITELY**

**[9.35am]**

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