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## **TRANSCRIPT OF PROCEEDINGS**

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O/N 1595

### **TASMANIAN INDUSTRIAL COMMISSION**

**COMMISSIONER T.J. ABEY**

**T No 11904 of 2005**

#### **NURSING HOMES AWARD**

**Application pursuant to the provisions of  
section 23(2)(b) of the Industrial Relations Act 1984  
by the Health Services Union of Australia, Tasmania  
No 1 Branch to vary the above award re meal allowance**

**HOBART**

**9.30 AM, THURSDAY, 17 FEBRUARY 2005**

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

PN1

MR T. KLEYN: I appear on behalf of the Health Services Union of Australia, Tasmania No 1 Branch.

PN2

MR M. WATSON: I appear on behalf of the Tasmanian Chamber of Commerce and Industry.

PN3

THE COMMISSIONER: Yes, Mr Kleyn?

PN4

MR KLEYN: Commissioner, the application before you today seeks to increase the meal allowances, which is clause 27 Meals, subclause (d), Meal Allowances of the Nursing Homes Award. Commissioner, these allowances have not been adjusted for many years and as far as my research tells me, at least not since 1992, if at all. So this application seeks to remedy that situation and to - certainly you will be looking at improving the situation and making sure these allowances are updated on a regular basis.

PN5

Commissioner, you will recall that earlier in T matter 11891 of 2005 you approved an application from the Chamber of Commerce and Industry to increase the meal charges. This is subclause (e) of clause 27. That application, as I understand it, resulted in consistent orders being issued by the Commission. For your information, Commissioner, I have used the identical calculations in the application today, so for the sake of consistency the allowances will increase by identical percentages.

PN6

Commissioner, in my application I believe that I did provide you with draft orders and with calculations and with the relevant CPI figures, but I have additional copies here if you haven't got them.

PN7

THE COMMISSIONER: That is the 42.14 per cent?

PN8

MR KLEYN: Yes. And then the - - -

PN9

THE COMMISSIONER: Draft order. Yes, we have that.

PN10

MR KLEYN: Yes. So Commissioner, the calculation as I said is identical to the one used by Mr Watson for the meal charges, and you will see that - I think on the last page, no, on the second page - the first page of the CPI figures, I have used December 1992 as the start point, and you will see that this is table 7A, CPI Food, Weighted Average of Eight Capital Cities. You will see that the index number for December 1992 is 113.2, then on the final page using

September 2004 as the end point, the figure is 160.9. And on the front page - or on the calculations - Commissioner, you can see how I have actually calculated the figure to arrive at 42.14 per cent.

PN11

I trust that these figures are in order. I believe that Mr Watson will confirm that. I ask that this application be approved, Commissioner, and the operative date of the first full pay period on or after today's date, or the date of your decision. I submit that the application is in accordance with the public interest test of the Industrial Relations Act and also consistent with the wage fixing principles, specifically principle 8, Allowances, which provides for a mechanism to increase expense-related allowances as appropriate. And unless you have any questions, that ends my submission, Commissioner.

PN12

THE COMMISSIONER: Thank you, Mr Kleyn. Mr Watson?

PN13

MR WATSON: Thank you, Commissioner. I confirm that the figures have been checked, and we believe that they are correct in accordance with the normal CPI calculation for these types of allowances, and advise that the matter is a consent matter. If it pleases.

PN14

THE COMMISSIONER: Thank you. We heard the parties and I am satisfied that the application is consistent with both the public interest and the wage fixing principles. The application will be granted and the award will be varied in accordance with the draft order, operative from the beginning of the first full pay period to commence on or after 17 February 2005. On that basis, the Commission stands adjourned.

**ADJOURNED INDEFINITELY**

**[9.35am]**