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AUSCRIPT

TRANSCRIPT OF PROCEEDINGS

O/N 2423

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER J.P. McALPINE

T No 12289 of 2005

ELECTRICAL ENGINEERS AWARD

**Application pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the Communications, Electrical, Electronic, Energy,
Information, Postal, Plumbing and Allied Services
Union of Australia to vary the above award**

HOBART

11.00 AM, THURSDAY, 15 DECEMBER 2005

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

HEARING COMMENCED

[11.00am]

PN1

MR K. HARKINS: I appear on behalf of the CEPU.

PN2

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

PN3

THE COMMISSIONER: Thank you. Mr Harkins, do you want to kick off?

PN4

MR HARKINS: Thank you, Commissioner. I appear on behalf of the CEPU. If it pleases the Commission the CEPU seeks to vary the Electrical Engineers Award to give effect to the State Wage case decision of July 2005 in relation to the expense-related allowance contained in this award. The substance of the application, your Honour, I refer to the amended draft order 2 submitted by the CEPU which you have a copy of and if I could suggest that that might be marked as CEPU exhibit 1.

PN5

THE COMMISSIONER: Just let me check which one it is. Okay, yes, so we will call that A1.

EXHIBIT #A1 COPY OF AMENDED DRAFT ORDER 2

PN6

MR HARKINS: And we also have included a copy of the expense-related allowances and how that adjustment has occurred and have provided a calculation sheet which if I could suggest could be marked CEPU exhibit 2. The application is by - - -

PN7

THE COMMISSIONER: Sorry, which one is 2?

PN8

MR HARKINS: It is the calculation sheet that has got all the numbers on it.

PN9

THE COMMISSIONER: That obviously must be 2. Were you referring to the attachment to the letter of 1?

PN10

MR HARKINS: No, the one I just gave you before.

PN11

THE COMMISSIONER: This one?

PN12

MR HARKINS: That one.

PN13

THE COMMISSIONER: Is 1 or 2?

PN14

MR HARKINS: No, there should be a consent order which I haven't got but he should have - Lindsay should have sent to you, and then there is a calculation sheet which is a single page - - -

PN15

THE COMMISSIONER: CEPU expense-related allowance calculation sheet schedule?

PN16

MR HARKINS: Yes.

PN17

THE COMMISSIONER: So that is A2.

**EXHIBIT #A2 CEPU EXPENSE-RELATED ALLOWANCE
CALCULATION SHEET SCHEDULE**

PN18

THE COMMISSIONER: And what was the other one, please?

PN19

MR HARKINS: The other one was just simply the draft order.

PN20

THE COMMISSIONER: Oh right.

PN21

THE COMMISSIONER: Is this table D?

PN22

MR HARKINS: Which is the amended - - -

PN23

THE COMMISSIONER: No, it would be that one and the amended one.

PN24

THE COMMISSIONER: Okay.

PN25

MR HARKINS: Sorry, Commissioner.

PN26

THE COMMISSIONER: Okay.

PN27

MR HARKINS: The application is by consent with the TCCI as Mr Mazengarb will attest to in a moment, I am sure, and in relation to the operative date we are seeking the order have effect from the first full pay period to commence on or

after 15 December 2005. The CEPUs application is consistent with the wage-fixing principles and the public interest section of the Industrial Relations Act. If it pleases the Commission.

PN28

THE COMMISSIONER: Thank you. Yes, Mr Mazengarb?

PN29

MR MAZENGARB: Thank you, Commissioner. I can say that since the application was lodged, which I understand was back in September, there have been a series of negotiations between ourselves and the applicant. I am just a little bit confused now. In saying that I will say at the outset we don't oppose the application but if I hear what Mr Harkins is saying as he just put on transcript, it is a little bit different than the draft order so I just need to clarify that.

PN30

THE COMMISSIONER: Sure.

PN31

MR MAZENGARB: I think he said that he was seeking that the variations to the award take effect from the first full pay period on or after 15 December.

PN32

THE COMMISSIONER: Yes.

PN33

MR MAZENGARB: All the documentation I have states it will be on the first full pay period after 15 December.

PN34

THE COMMISSIONER: After, yes.

PN35

MR HARKINS: Happy with that, Commissioner, happy with that.

PN36

MR MAZENGARB: So we are not opposing the application in relation to the documentation as provided.

PN37

THE COMMISSIONER: Yes.

PN38

MR MAZENGARB: On the understanding that it is operative after today's date, being 15 December 2005. In consenting to - or not opposing the application we have examined the wage-fixing principles and we believe that the application is consistent with those principles and in addition we have examined the public interest requirements reflected in the Industrial Relations Act of the State and again we believe that the application does not offend those public interest requirements so having said that, Commissioner, I can again reiterate we do not oppose the application. If the Commission pleases.

PN39

THE COMMISSIONER: Excellent, thank you. Well, since you are both in rabid agreement I have got no option but to accept what you have said and I am quite comfortable to amend it and approve it as of the first full pay period after 15 December.

PN40

MR HARKINS: Thank you, Commissioner.

PN41

THE COMMISSIONER: Okay.

PN42

MR HARKINS: Thanks very much.

ADJOURNED INDEFINITELY

[11.10am]

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**EXHIBIT #A2 CEPU EXPENSE-RELATED ALLOWANCE CALCULATION
SHEET SCHEDULE PN18**