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**AUSCRIPT**

## TRANSCRIPT OF PROCEEDINGS

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O/N 116474

### TASMANIAN INDUSTRIAL COMMISSION

### COMMISSIONER T.J. ABEY

### T No 13491 of 2009

### 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 reimbursement and expense  
related allowances**

### HOBART

**9.30 AM, TUESDAY, 22 SEPTEMBER 2009**

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THE COMMISSIONER: Yes, may I take appearances, please?

MRS A. SMITH: Good morning, Commissioner, Angela Smith from the Police Association of Tasmania.

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THE COMMISSIONER: Thank you, Mrs Smith.

MR T. MARTIN: And good morning, Commissioner, Tony Martin, appearing with MS H. JORDAN for the Commissioner of Police.

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THE COMMISSIONER: Yes, thank you, Mr Martin. Mrs Smith?

MRS SMITH: Yes, Commissioner. This application relates to the usual annual review of expense-related allowances contained within the Police Award, plus a small number of minor amendments. I seek leave to tender an amended copy of the variations sought.

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THE COMMISSIONER: No objection, Mr Martin?

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MR MARTIN: No, Commissioner.

MRS SMITH: Thank you.

THE COMMISSIONER: It is the application to amend it accordingly.

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MRS SMITH: The agency has indicated it considers the variation with the Police Award as per the amended variation tendered today. The variation to the expense allowances relates to monetary amounts; the essence of the clauses remain the same. The expense allowance in monetary amounts have been adjusted in accordance with the formula established in T833 of 1987 on the consumer price index adjustment calculated for the period March '08 to March '09. That adjustment for that period is calculated at 2.5 per cent. I seek to tender the method of calculation to arrive at the percentage claim, together with a document downloaded directly from the Australian Bureau of Statistics website.

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THE COMMISSIONER: I will make these as a bundle, as A1, CPI numbers.

#### **EXHIBIT #A1 CPI NUMBERS**

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MRS SMITH: Thank you. And that indicates the changes to the indices in the relevant quarters. It is a routine amendment and, as I indicated, it is agreed. I will now take you through the other variations sought and explain those changes.

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THE COMMISSIONER: Yes.

MRS SMITH: Clause 8 salaries is amended at clause 8.5.1C(2)(c). The clause is deleted as it ceased to have effect from 1 December 2008. Clause 15, overtime, is amended at clause 15.4, to remove the reference to the effective date of 1 July 2004. Clause 23, dog handlers, is amended at clause 23.2.1 to reflect the current quantum of the allowance paid.

THE COMMISSIONER: I am sorry, which one was that, Mrs Smith?

MRS SMITH: Clause 23, dog handlers' allowance.

THE COMMISSIONER: Right over the back. Right, yes.

MRS SMITH: Yes.

THE COMMISSIONER: Thank you.

MRS SMITH: Clause 23.3 is deleted. This is also relating to the dog handlers, and that is due to the changes introduced to achieve advancement to constable level 13. That was varied in the last wage round and as a result this clause became redundant as at 1 December 2008. Due to the deletion of that clause the remainder of the dog handlers' clauses was renumbered accordingly. And that concludes the explanation of the variations sought.

In summary, I believe the wage fixing principles are satisfied in that these expense-related allowances exist and there is the economic capacity to pay. Further, I believe the application is consistent with the principles of the commission and does not offend the requirements of section 36 of the Act relating to public interest considerations. We respectfully submit that the date of operation be effective from the date of determination and that concludes my submissions, Commissioner, thank you.

THE COMMISSIONER: Mr Martin?

MR MARTIN: Thank you, Commissioner. Yes, I would endorse the comments made by Ms Smith in relation to the application as amended and also the tidy up of the award and we would endorse it and we also believe it meets the wage fixing principles. If the commission pleases.

THE COMMISSIONER: The operative date, is that today or first pay period?

MR MARTIN: Because they are expense-related allowances it can be the date of determination.

THE COMMISSIONER: It can be today, yes. Okay. Yes, I should indicate that following the most recent state wage case the wage fixing principles, save two principles, which are not relevant to these proceedings, have been abolished, and so there is no requirement to comply with them because they just simply don't exist.

That having heard the parties I'm satisfied that the application is consistent with public interest requirements of the Act and it is also consistent with the manner in which these allowances have been adjusted in the past. The award will be varied operative from 22 September 2009. On that basis the commission stands adjourned.

5 Thank you.

**MATTER ADJOURNED at 9.35 am INDEFINITELY**

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**Index of Exhibits and MFIs**

EXHIBIT #A1 CPI NUMBERS

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