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TRANSCRIPT OF PROCEEDINGS

O/N 1505

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT P.C. SHELLEY

T No 11843 of 2004

**GENERAL CONDITIONS OF EMPLOYMENT
AWARD AND COMMUNITY AND HEALTH
(PUBLIC SECTOR) AWARDS**

**Application pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the CPSU to vary the above award re vehicular
expenses related allowances**

HOBART

10.30 AM, MONDAY, 20 DECEMBER 2004

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

HEARING COMMENCED

[10.30am]

PN1

MR M. JOHNSON: I appear on behalf of the Community and Public Sector Union (SPSFT) Inc.

PN2

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

PN3

THE DEPUTY PRESIDENT: Now, the application is only made by CPSU, is that the case?

PN4

MR JOHNSON: I believe that is correct, Deputy President.

PN5

MR AIKEN: Yes, that is correct.

PN6

THE DEPUTY PRESIDENT: So you are seeking - so you are just making an appearance, because you have an interest in the matters?

PN7

MR AIKEN: That is correct, thank you.

PN8

THE DEPUTY PRESIDENT: Okay. Thank you.

PN9

MR P. BAKER: I appear on behalf of The Minister Administering the State Services Act.

PN10

THE DEPUTY PRESIDENT: Thank you. Mr Johnson?

PN11

MR JOHNSON: Thank you, Deputy President. I don't believe there are any threshold matters in this instance, and we seek to table the relevant ABS statistics on private transport for Hobart.

PN12

THE DEPUTY PRESIDENT: Thank you. Well, we will mark that CPSU1.

PN13

MR JOHNSON: Thank you.

EXHIBIT #CPSU1 ABS STATISTICS ON PRIVATE TRANSPORT FOR HOBART

PN14

MR JOHNSON: This ABS extract is based on the CPI sub-group and expenditure class for transport and motoring in Hobart, and upon application of their formula from T33 of 1985 come up with the relevant numbers for amendment.

PN15

THE DEPUTY PRESIDENT: Yes.

PN16

MR JOHNSON: I believe this is in keeping with the wage fixing principles, and also the public interest.

PN17

THE DEPUTY PRESIDENT: Right. So what you have done is you have taken the CPI increase and you have used a formula to apply that to the kilometrage rate in the relevant award?

PN18

MR JOHNSON: Yes.

PN19

THE DEPUTY PRESIDENT: Thank you. Do you want to say anything further?

PN20

MR JOHNSON: No, Deputy President. Thank you.

PN21

THE DEPUTY PRESIDENT: Thank you. Mr Aiken, do you wish to - - -

PN22

MR AIKEN: Thank you, Deputy President. Just to indicate my organisation support for Mr Johnson's submission. Thank you.

PN23

THE DEPUTY PRESIDENT: Okay. Now, neither of you have actually addressed the operative date, so I take it that you are seeking this to be on or after the first full pay period from today's date?

PN24

MR JOHNSON: That is correct, Deputy President. Sorry for my oversight.

PN25

THE DEPUTY PRESIDENT: That is all right. Mr Baker, you of course, are going to object vehemently.

PN26

MR BAKER: Not at all, Deputy President. The matter has been the subject of some discussion between our respective officers and I can confirm that the rates as proposed are in fact a correct calculation of the formula that was adopted in T33 of '85 by the then Full Bench of this Commission. We would also concur that the matter confirms with the wage fixing principles of this Commission, and it does not contravene the sentiments expressed in section 36

of the Industrial Relations Act. We would also concur with the submission that was put forth that the operative date be the first full pay period on or after today, and that would conclude my submission, Deputy President.

PN27

THE DEPUTY PRESIDENT: Thank you. Now, I indicate to the parties that the awards will be varied in the manner sought, with an operative date of the first full pay period on or after today's date, and that will be confirmed by way of a written decision with orders attached, which will issue shortly. The matter is adjourned.

ADJOURNED INDEFINITELY

[10.40am]

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LIST OF WITNESSES, EXHIBITS AND MFIs

**EXHIBIT #CPSU1 ABS STATISTICS ON PRIVATE TRANSPORT FOR
HOBARTPN14**