



Tasmanian Industrial Commission

Industrial Relations Act 1984

T No. **9831 of 2001**

IN THE MATTER OF an application by the Construction, Forestry, Mining and Energy Union, Tasmanian Branch to vary the Building and Construction Industry Award

Re: expense-related allowances

T No. **9832 of 2001**

IN THE MATTER OF an application by the Construction, Forestry, Mining and Energy Union, Tasmanian Branch to vary the Building Trades Award

Re: expense-related allowances

COMMISSIONER ABEY

HOBART, 29 October 2001

TRANSCRIPT OF PROCEEDINGS

Unedited

(WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY)
(ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS)

HEARING COMMENCED 2.25am

COMMISSIONER: I'll take appearances, please.

MR T. BENSON: If the commission pleases, TONY BENSON. I appear on behalf of Construction, Forestry, Mining and Engineering,
5 Tasmanian Branch, commissioner.

COMMISSIONER: Thank you, Mr Benson.

MR R. ROLLINS: May it please the commission, RICHARD ROLLINS, appearing for the Tasmanian Chamber of Commerce and Industry.

COMMISSIONER: Thank you, Mr Rollins. Yes, Mr Benson?

10 **MR BENSON:** Commissioner, which one was this? Building Trades or Building Construction.

COMMISSIONER: Both. They've both been called on together, haven't they?

15 **ASSOCIATE:** No. I'm sorry, I've only called one. I should have called both of them.

MR BENSON: I'll accept that they've both been called, commissioner.

COMMISSIONER: Thank you.

MR BENSON: Not a problem. Commissioner, there's a couple of matters I need to bring to your attention. In the Building Trades Award
20 application, on the final page under, Transportation, we have a new rate there of \$16.15. That's in fact a typo and should be \$16.10.

25 In both of the applications - in fact, the Building Trades one, on the second-last page, the last clause, there is at this point in time not a dispute but some uncertainty about the rate that applies there. The CFMEU believes that it in fact reflects a typo and the old rate should be \$121.00, the new rate being \$128.74 and the lower rate being \$17.30 should be \$17.40 and the new rate should be \$18.50 instead of \$18.40.

30 I have discussed the matter with Mr Rollins from the TCCI and we're prepared to go away and discuss that particular item and come back to the commission in relation to that.

COMMISSIONER: Thank you.

35 **MR BENSON:** Commissioner, if we're dealing with both the applications as one, we state that the applications identify the ABS categories. The calculation in terms of percentage change, the new rates, we believe that the applications conform with the allowance

principles of the commission at 7.1, existing allowances, 7.1.1 and that reads:

40 7.1.1 *Existing allowances which constitute a reimbursement of expenses incurred may be adjusted from time to time where appropriate to reflect the relevant changes in the level of such expenses.*

We also believe that the applications are not against the public interest nor against the *Industrial Relations Act*. We've also provided the
45 commission with draft orders from the decision of the federal commission in relation to this matter and we would seek that the applications be certified with an operative date from today.

COMMISSIONER: Thank you, Mr Benson.

MR BENSON: Thank you, commissioner.

50 COMMISSIONER: Yes, Mr Rollins?

MR ROLLINS: Thank you, commissioner. In regards to the item regarding the figure of \$121.00 versus \$120.10. We agree to go away and have a look at that and do a bit more homework on there just to make sure we've got the right figures in that regard.

55 In regards to both the applications, we've been given the opportunity to examine these and the CPI figures and have determined them to be correct, obviously apart from that one matter. We believe this application is in accordance with the Wage Fixing Principles and does not offend the public interest and have also agreed to the operative
60 date. We therefore consent to the expense-related allowances applications for these two awards.

COMMISSIONER: Thank you, Mr Rollins. I'm satisfied that the applications are in accordance with the Wage Fixation Principles and are consistent with the public interest and the applications will
65 therefore be granted with an operative date from the beginning of the first pay period to commence on or after today.

In relation to the one outstanding matter, if the parties could liaise with my associate, that would be appreciated, at your earliest convenience.

70 On that basis the commission stands adjourned.

HEARING ADJOURNED SINE DIE 2.31pm