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TRANSCRIPT OF PROCEEDINGS

O/N 9910

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER P.C. SHELLEY

T No 11087 of 2003

CARRIERS AWARD

Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 by the Transport Workers Union of Australia (Victorian/Tasmanian Branch), to vary the above award re to delete and replace clause 43 - travelling allowance

HOBART

10.00 AM, FRIDAY, 14 NOVEMBER 2003

HEARING COMMENCED

[10.00am]

PN1

MR H. SMITH: I appear for the Transport Workers Union of Australia, Victoria and Tasmanian Branch. Appearing with me is MR M. COOK, a Tasmanian official of the union.

PN2

MS J. THOMAS: I appear for the Tasmanian Chamber of Commerce and Industry Limited.

PN3

THE COMMISSIONER: We will hear from you first, Mr Smith.

PN4

MR SMITH: Thank you, Commissioner. On 23 September the union wrote to the Acting Registrar pursuant to section 23(1) of the Act seeking to vary clause 43, Travelling Allowance, of the award regarded as expense an expense related allowance. This clause was varied - you may remember that, on 30 July 2003 following an application on 24 June 2003, which brought it up to date except for the 2003 State Wage case. Prior to that the clause had not been varied since 1992; the revised amount was 26.70. All this application seeks to do is to apply the 2003 State Wage case to this allowance, increasing it to - and there is a little bit of argument about the quantum but I think we will agree on that.

PN5

THE COMMISSIONER: I think 3.24 per cent or whatever it was.

PN6

MR SMITH: Well, that is the argument, Commissioner. Is it 3.24 per cent or is it the CPI?

PN7

THE COMMISSIONER: Right.

PN8

MR SMITH: Which did not happen effective 1 August 2003 when other clauses of the award were varied. If it is based on the CPI rather than the 3.24 per cent, I have copies of the four quarter, June CPI.

PN9

THE COMMISSIONER: Well, what would the amount be if it was CPI?

PN10

MR SMITH: The CPI will be 27.40; if it is the 3.24 per cent it is 27.55, so we are not arguing over a lot of - - -

PN11

THE COMMISSIONER: Huge amount. Thank you for - - -

PN12

MR SMITH: Other than the quantum of the increase, I understand that the TCCI is not opposing the application, although they are querying the amount

which I have indicated and I am assured that the Tasmanian Branch of RTO are supporting the application, therefore I would respectfully request that the Commission vary the award in accordance with the draft order, other than maybe the amount, from the first pay period on or after today's date, 14 November 2003. If the Commission pleases.

PN13

THE COMMISSIONER: Thank you - and I will mark the CPI index as exhibit A1.

EXHIBIT #A1 CPI INDEX

PN14

THE COMMISSIONER: Ms Thomas?

PN15

MS THOMAS: Yes, thank you. We submit that the CPI approach is the approach to be taken in relation to expense-related allowances. There are any number of examples of that approach being taken to transport and similar allowances of that nature in many awards of this Commission. Unfortunately I don't have one to hand because I wasn't aware I would be debating this issue. In terms of the Full Bench's State Wage case decision, work related allowances were to be increased by the 3.24 per cent; expense related allowances, including the meal allowance provision, are all increased according to relevant CPI indicators. We have indicated that we will consent to the variation of the award in light of the latest consumer price index movement for, I think it is, meals or accommodation - I can't make out what that is.

PN16

We will agree to the increase of the amount to 27.40 and we just would like an opportunity to briefly check that figure but we have no doubt, given that that is what is being presented, that is the figure. We will check that and just advise your office on Monday that that is correct. So certainly the CPI indicators are the relevant method for increasing these allowances. If it pleases.

PN17

THE COMMISSIONER: Right. Can we just go off the record?

OFF THE RECORD [10.10am]

RESUMED [10.15am]

PN18

THE COMMISSIONER: Mr Smith?

PN19

MR SMITH: Yes, we are happy to amend to 27.40, Commissioner.

PN20

THE COMMISSIONER: So you are amending your application for the quantum to be \$27.40 per day for the travelling allowance, that is correct?

PN21

MR SMITH: That is correct.

PN22

THE COMMISSIONER: And, Ms Thomas, you have no objection to that amendment?

PN23

MS THOMAS: No objection, thank you.

PN24

THE COMMISSIONER: Thank you. Well, I indicate to the parties that the award will be varied in the manner set out in the amended application and a decision will follow in due course - and the matter is adjourned.

ADJOURNED INDEFINITELY

[10.20am]

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LIST OF WITNESSES, EXHIBITS AND MFIs

EXHIBIT #A1 CPI INDEXPN14