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TRANSCRIPT OF PROCEEDINGS

O/N 8850

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT R.J. WATLING

T No 10443 of 2002

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MOBILE CRANE HIRE AWARD

Applications pursuant to the provisions of section 23 of the Industrial Relations Act 1968 by the Construction, Forestry, Mining and Energy Union to vary the above award re expense related allowances 2001 and expense related allowances 2002; and safety net review wages May 2001 and safety net review wages May 2002

HOBART

10.00 AM, TUESDAY, 8 OCTOBER 2002

HEARING COMMENCED

[2.30pm]

PN1

MR P. MAZENGARB: I appear for the respondent, the Tasmanian Chamber Commerce and Industry Limited. As I understand, the applicant is not available this morning for hearings.

PN2

THE DEPUTY PRESIDENT: So there is no one to put the applicant's case, is that what you are saying?

PN3

MR MAZENGARB: Well, that would be the situation. I have had discussions with the applicant yesterday and this morning in relation to this matter. Whilst I won't be putting their case for them, I can advise - and I do that formally now - the Tasmanian Chamber of Commerce and Industry has checked the application. We have checked the calculations as lodged by the applicant in their two schedules and we believe that it is in accord with the principles. We have no objection to the application and we would not oppose the application as lodged by the applicant union being approved with effect from the first full pay period on or after today's date.

PN4

THE DEPUTY PRESIDENT: I note that you say that you wouldn't oppose it. Does that mean you support it?

PN5

MR MAZENGARB: As I said, as it is in accordance with the principles and that, we do support the application. Yes, Deputy President.

PN6

THE DEPUTY PRESIDENT: Well, it is highly unique and irregular that the applicant isn't here in this matter and I want the record to show that I would expect the applicant to present the case for and on behalf of the proposal. But in view of the consent it is my intention to vary the award as sought. Can you just run me past the operative date again?

PN7

MR MAZENGARB: Yes, we would support the operative date being the first full pay period on or after today's date, being 8 October 2002.

PN8

THE DEPUTY PRESIDENT: Now, what do you think is the precise amount and what should I put in the order?

PN9

MR MAZENGARB: I would believe that the order should reflect the precise amount on pages one, two and three in relation to the - - -

PN10

THE DEPUTY PRESIDENT: How is the Commission going to do that?

PN11

MR MAZENGARB: Well, as I am not - - -

PN12

THE DEPUTY PRESIDENT: Just to put the end result there?

PN13

MR MAZENGARB: I would think - for instance, if I could you to page one of three in relation to 2002 - to the top right hand corner - in relation particularly to fares and travel allowance.

PN14

THE DEPUTY PRESIDENT: No, I am looking at the wage rates.

PN15

MR MAZENGARB: I thought we were only doing expense related allowances.

PN16

THE DEPUTY PRESIDENT: Yes, sorry, we are doing expense related allowances first. What do you expect me to do there?

PN17

MR MAZENGARB: I would suggest that with effect from the first full pay period on or after today's date - if we go to page three of three, under the heading of 2002, that the new rate for fares and travel with effect from today's date be 13.30.

PN18

THE DEPUTY PRESIDENT: Yes.

PN19

MR MAZENGARB: Now, that is a slight increase in relation to the increase - sorry, that reflects the increase for the June 2000-June 2001 period but there was no increase because of the CPI figures for June 2002-2002. So we would expect that 13.30 figure under the heading of fares of travel allowance be travel during working hours, car allowance, to be 73 cents. For accommodation overnight allowance on page two of three, the new rate with effect from today to be 9.40; for meal interval during overtime, 9.30; at sub clause (iv)(1), 9.30; and the last page there with regard to occupational health and safety tools and amenities, clothing and protective equipment, sub clauses (b) and (c), \$43.40 for the both rates. And that would incorporate for June 2000 - - -

PN20

THE DEPUTY PRESIDENT: 43.40?

PN21

MR MAZENGARB: 43.40, yes.

PN22

THE DEPUTY PRESIDENT: And not the new rate?

PN23

MR MAZENGARB: I think that is the new rate.

PN24

THE DEPUTY PRESIDENT: 44.60 on my document.

PN25

MR MAZENGARB: I am sorry, I have interposed those. Yes, I do apologise - it is 44.60 - I have interposed the two documents.

PN26

THE DEPUTY PRESIDENT: Good. Thank you. Well, I can indicate that the award will be varied as there is not opposition to the application from the date as specified by you and I will hand down a written decision in due course on this matter. That concludes this issue.

ADJOURNED INDEFINITELY