

AUSCRIPT AUSTRALASIA PTY LTD

ABN 72 110 028 825

Suite 25, Trafalgar Centre 108 Collins St HOBART Tas 7000

Tel:(03) 6224-8284 Fax:(03) 6224-8293

AUSCRIPT

TRANSCRIPT OF PROCEEDINGS

O/N 3337

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT P.C. SHELLEY

T No 12766 of 2006

T No 12767 of 2006

GENERAL CONDITIONS OF EMPLOYMENT AWARD

COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) AWARD

**Applications pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the Community and Public Sector Union (State Public
Services Federation Tasmania) Inc to vary the above
award re variation of allowances**

HOBART

9.30 AM, FRIDAY, 29 SEPTEMBER 2006

Continued from 29.8.06

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

PN201

MR M. JOHNSTON: I appear on behalf of the Community and Public Sector Union (State Public Services Federation of Tasmania) Inc.

PN202

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

PN203

THE DEPUTY PRESIDENT: Thank you. Now, today was for the purposes of a report back following the previous hearing. So who is going to begin? Mr Johnston?

PN204

MR JOHNSTON: Thank you very much. Can I remain seated; I seem to have been on my feet for a long time in the last few days? I am happy to report that discussions have been fairly fruitful between ourselves and the Government around a one-off amendment to the travel and accommodation rates including meals. We have entered into discussions around the figures that have been put to the Commission in our previous proceeding. At the moment we have the makings of an agreement. We have in-principle support from both sides, bipartisan support, for amendment of the rates and I can outline them shortly and also an agreement to discuss some methods for adjustment into the future. We have - are very close to an agreement on that as well which may or hopefully result in more accurate adjustments to these rates moving forward.

PN205

Basically as an outline of where we got to in discussions we are discussing a rate of \$150 per night for accommodation in Melbourne; \$158 per night for accommodation in Sydney, those are both directly taken from the ATO reasonable rates tables. For all other centres, and this includes Tasmania as it is somewhat of a shift, so accommodation away from home anywhere else other than those two cities will be at - the in-principle agreement so far is for a rate of \$125 per night. That is based on - that is the average of the other centres excluding Melbourne and Sydney across the country. We are also very close to agreement on a, what can, I guess, be referred to as a staying-with-friends rate, a non-commercial accommodation rate, of - and we are talking a number around \$50 per evening for that.

PN206

THE DEPUTY PRESIDENT: Now, that is the one that might be a bit tricky to sell to your members.

PN207

MR JOHNSTON: Yes, and that is step number 2, I guess, but we also had a brief discussion this morning about - - -

PN208

THE DEPUTY PRESIDENT: So is that inclusive of meals; is that an all-up rate or is that - - -

PN209

MR JOHNSTON: No, ma'am.

PN210

THE DEPUTY PRESIDENT: Meals are separate to that.

PN211

MR JOHNSTON: Correct, ma'am.

PN212

THE DEPUTY PRESIDENT: Yes.

PN213

MR JOHNSTON: We are talking - this morning we briefly discussed instead of an arbitrary \$50, because we hadn't considered a method of adjustment for that, perhaps we might tie it back to a combination of two meal rates, perhaps, which would come out around that mark, so then we wouldn't have to worry about a method of adjustment because obviously it would flow from the changes to the meal rates. We are also close to agreement on the ATO meal rates and adopting them in full which are the three rates we presented last time and they were 19.60 breakfast, 21.95 lunch and 37.80 for tea. They would - what we are discussing at the moment in terms of adjustment for that would be just the full adoption into the future of the ATO rates for that.

PN214

That is not quite true, no, sorry, that is not what we discussed. What we discussed was using the food group within the ABS statistics to adjust the food so we didn't have to put too much trust in the ATO to adjust those rates. On the other hand the accommodation, what we are talking about there is for Melbourne and Sydney directly taking the ATO rates and for the other centres using an average of all the other centres into the future as well so that is probably it in a nutshell for now. I guess the next step for us, as I said, I have emphasised this is in-principle between us and my understanding of where we go from here is that the CPSU and HACSU and HSUA consult with their members. We also need to have some discussions with other public sector unions around these amendments because they are quite different from the current scheme, especially - - -

PN215

THE DEPUTY PRESIDENT: Well, they are greatly improved excepting for those people who have been able to stay with friends or family - - -

PN216

MR JOHNSTON: Yes.

PN217

THE DEPUTY PRESIDENT: - - - and collect the full amounts.

PN218

MR JOHNSTON: I think that is a good synopsis, and my understanding is that Mr Baker will speak to people in high positions and get some approval from them so with any luck we can report back. What I would seek to do and I haven't discussed this with Mr Baker, would be to just write to you in say, two or three weeks when we can get a sign off, not reappear, and have you issue orders without that, assuming written agreement from both sides on the rates.

PN219

THE DEPUTY PRESIDENT: Okay, thank you.

PN220

MR JOHNSTON: Thank you, Deputy President.

PN221

THE DEPUTY PRESIDENT: Mr Baker?

PN222

MR BAKER: Thank you, Deputy President. Look, yes, there is - we are moving down the same track together. There is agreement between us as to where we ought to be headed and that is common ground. There are still some matters at the edges that need to be tidied up and Mr Johnston has alluded to those, such as how we finally arrive at the rate and how we move them into the future, whether we move them as he has indicated, by a combination of two options, whether we adopt one option or how we do that, but that, I think, is a matter that we can sort out.

PN223

I think the important thing to note is that there is agreement between us that they do need to be increased and we think we have arrived at a method of increasing those rates and I would concur that - well, not so much concur I would think, but I would suggest to the bench that the matter be set down for hearing in approximately four weeks time and by that stage we ought to have a document that we can present to the Commission to wrap these proceeding - - -

PN224

THE DEPUTY PRESIDENT: Yes.

PN225

MR BAKER: - - - subject to anything blowing up in the mean time.

PN226

THE DEPUTY PRESIDENT: Mr Johnston suggested that there not be a hearing but I think in light of the fact there is a previous, albeit two decades old, Full Bench decision as to the methods and the way in which they should be calculated, and it will affect a number of awards, I think there should be a proper hearing that absolutely sets out what the new methods will be and what is going to happen into the future, and I wonder again whether that should be a Full Bench that deals with that?

PN227

MR BAKER: Well, I think you may well be correct, Deputy President. I think perhaps when we write to the Commission the next time, once we get the document we will ask you to refer the matter to a Full Bench.

PN228

THE DEPUTY PRESIDENT: I think that is the sensible process. So at this stage I will just adjourn it sine die and wait to hear from the parties but it seems as though a lot of progress has been made. A little bit of self interest in this matter.

PN229

MR BAKER: A note of caution, Deputy President, we haven't quite got it down to those fine little details yet which often tend to up end the whole process, but we are confident.

PN230

MR JOHNSTON: We will be right.

PN231

THE DEPUTY PRESIDENT: Okay, thank you, so I will just adjourn sine die.

ADJOURNED INDEFINITELY

[9.40am]