

HEARING COMMENCED 9.48am

DEPUTY PRESIDENT: I'll take the appearances please. Mr Miller?

MR R. MILLER: MILLER, R., representing the CPSU (SPSFT).

DEPUTY PRESIDENT: Thank you, Mr Miller. For the HSUA?

5 **MR T. JACOBSON:** If it please the commission, TIM JACOBSON appearing on behalf of the Health Services Union of Australia, Tasmania No.1 Branch.

DEPUTY PRESIDENT: Thank you, Mr Jacobson. Mr Pearce?

10 **MR T. PEARCE:** Mr Deputy President, PEARCE, T., appearing for the Minister administering the Tasmanian State Service Act.

DEPUTY PRESIDENT: Thank you Mr Pearce. Mr Miller?

15 MR MILLER: Good morning, Mr Deputy President. This week I believe it was the assassination of the Zulu chief, Shaka who was murdered by his two brother-in-laws in a power struggle. Presumably hopefully we don't have that instance today.

20 These applications relate to expense-related allowances contained in the various awards mentioned in the declaration from your bench. There are no alterations to the application and to the best of my belief with a recent telephone conversation with Mr Pearce on my left, sir, the matters are agreed.

25 The last application in these instances were T.7367 of 1997 with the GCOE - the General Conditions of Employment Award. That hearing was in 1997. The Community Health Services (Public Sector) Award - T7377 of 1997, Sea Fisheries - T7382 of 1997, and Police Departmental Employees Award - T7381 of 1997.

These applications mirror the methodology of claim as required by the formula determined by the full bench in its decision of T833 of 1987. I believe, sir, that the commission already has a copy of the calculations to arrive at the percentage increased as claimed.

30 Unless you wish, I don't propose to go any further into that methodology.

35 This calculation determines the appropriate percentage increase by subtracting the previous March quarter CPI, of the weighted average of the eight capital cities from the current CPI quarter and thus establishing the percentage increase which at the present time, sir, is claimed as being 1.3 per cent.

I believe that the ABS CPI figures will enhance that claim of the 1.3 per cent. The movements are as indicated on the application.

5 The Wage Fixation Principles of 1998, sir, I believe are satisfied as adopted by this commission in that clause 10(1) - existing allowances and clause 17 - The economic capacity of government to pay them. I don't believe that this claim is impeded by either of those two clauses and I think that that, sir, is all I can offer you unless you have any specific instances that you wish to have elucidation.

DEPUTY PRESIDENT: If you don't suggest an operative date, Mr Miller, I mightn't be able to offer you anything.

10 MR MILLER: Sorry, sir, my apologies, I should have made mention of that. I have it on my list here but I'd forgotten it - overlooked it. My preference would of course be the date of application.

DEPUTY PRESIDENT: And do you have any fall-back position from that?

MR MILLER: I leave that to the bench, sir.

15 DEPUTY PRESIDENT: Thank you, Mr Miller.

Mr Jacobson, you don't get a guernsey unless you can give me some esoteric *bon mot* as Mr Miller did.

20 MR JACOBSON: No, I'm afraid I can't, deputy president, other than to say that we consent to the application made by the CPSU with respect to this matter. I believe it's consistent with section 36 of the Act and 10.1 of the Wage Fixing Principles.

DEPUTY PRESIDENT: And what do you say about operative date?

25 MR JACOBSON: Well, I'll refer back to my colleague on the right with respect to that. But obviously he's said that he'd leave that in your capable hands, deputy president.

DEPUTY PRESIDENT: Thank you, Mr Jacobson. Mr Pearce, being an old Vietnam Veteran, you ought to be able to top Mr Miller with Monday morning early starts.

30 MR PEARCE: I've spoken with Mr Miller before these proceedings, Mr Deputy President. After my weekend I am neither disposed to even contemplate. I have no strength.

35 Mr Deputy President, we concur with the applicant. We checked independently upon receipt of the applications to establish the validity of what was being sought and we concur that the methodology being used is appropriate and consistent with the methodology which has been applied in previous proceedings dealing with expense-related allowances. However, we do depart from the positions of both the applicant and the supporting Health and Community Services Union to the extent that we say that there are no extenuating circumstances,

or at least none have been brought before this commission to suggest that there is a need for this commission to apply any retrospectivity.

We say that the operative date should be from date of decision which we would sense to be this day. If it please the commission.

5 DEPUTY PRESIDENT: The minister is satisfied that the application complies with the current Wage Fixing Principles?

MR PEARCE: Yes, we've established that it complies totally with principle 10.1.1.

DEPUTY PRESIDENT: Thank you, Mr Pearce. Do you have any
10 further to say, Mr Miller?

MR MILLER: Only very briefly, sir, and this is just to flag an intention at some stage in the future. There appears from a brief appraisal of the Community and Health Services (Public Sector) Award that there may be some deficiency in that award in relation to
15 allowance rates for Recall, On Call, Close call. I don't intend to venture further into this matter at this stage as I have only had a brief opportunity to discuss this matter with my colleague on my left but flag it for the attention of all parties concerned at an appropriate juncture and that is just purely for a matter of record to ensure that
20 the matter does not get lost in the mists of time. If the commission pleases.

DEPUTY PRESIDENT: I think it's likely to get substantially lost since I can't see that it has any connection with expense-related allowances. It might be better perhaps if you committed your thoughts to writing
25 and sent them to the minister's representatives and to your colleague organisations.

MR MILLER: Thank you for that comment, sir.

DEPUTY PRESIDENT: Thank you, Mr Miller. In the circumstances I am satisfied that the applications comply with the Wage Fixing Principles and contain no elements that are contrary to the more
30 general public interest provisions of section 36 of the Act. In the circumstances I am prepared to approve the applications. I reject the application for an operative date commencing with the date of filing of the applications. No grounds were put in support of that application
35 and in the absence of any other reasons for taking such a step I accept the submissions of the minister and order that the awards be varied effective from first full pay period to commence on or after today's date.

That concludes the hearing of the matters T8576 and related matters concerning expense-related allowances.

40 **HEARING CONCLUDED 9.57am**