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**AUSCRIPT**

## TRANSCRIPT OF PROCEEDINGS

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O/N 99489

### TASMANIAN INDUSTRIAL COMMISSION

### COMMISSIONER T.J. ABEY

**T No 13344 of 2009**

### AWU (TASMANIAN STATE SECTOR) AWARD

**Application pursuant to the provisions of section 23(2)(b)  
of the Industrial Relations Act 1984 lodged by the Australian  
Workers Union, Tasmania Branch to vary the above award  
re work related and expense based allowances**

**HOBART**

**10.00 AM, THURSDAY, 29 JANUARY 2009**

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THE COMMISSIONER: I'll take appearances, please.

MR R. FLANAGAN: If it pleases the commission, Flanagan R, for the Australian Workers Union, Tasmania Branch.

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THE COMMISSIONER: Thank you, Mr Flanagan.

MR K. GREY: If the commission pleases, Grey K, appearing for the Minister administering the State Service Act of 2000.

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THE COMMISSIONER: Thank you, Mr Grey. Mr Flanagan?

MR FLANAGAN: Thank you, Commissioner. Commissioner, this application seeks to vary a number of allowances in the AWU (Tasmanian State Sector) Award to update them to reflect changes which have occurred since the award was last varied, which was in August of 2006, which, at that time brought the award up to date to March 2006, so it has been some time since the allowances were amended. There will be further applications to the commission in respect of allowances. There are to be some discussions between the public sector management office and the union.

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We understand that there have been changes to both conditions and rates in the Tasmanian State Sector Award which we need to explore with the public sector management office, so this is a part variation essentially in respect to meal allowances and overnight accommodation arrangements. I do need to indicate that we seek leave to amend the schedule attached to the application. The first amendment is in variation 3B which currently proposes that we delete subclause (c) paragraph 2 and insert in lieu thereof a table. The current award provision is for - - -

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30 THE COMMISSIONER: Where are we?

MR FLANAGAN: It's variation number 3 varying Part IV clause 4.

THE COMMISSIONER: Okay, yes.

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MR FLANAGAN: Yes. Then in paragraph B you will see that there is a table which is proposed.

THE COMMISSIONER: Yes.

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MR FLANAGAN: The current award provides for a rate which applies to interstate accommodation - - -

THE COMMISSIONER: Yes.

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MR FLANAGAN: - - - and a rate which applies to Sydney, so we propose to delete the table which is there and insert under the heading Interstate \$162, which is the

Melbourne rate, and under the heading Sydney, to insert \$183, so we seek leave to amend that aspect of the application. The other - - -

THE COMMISSIONER: No objection, Mr Grey?

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MR GREY: No, no objection, Commissioner.

THE COMMISSIONER: Right.

10 MR FLANAGAN: The other amendment we seek leave to amend is we proposed in variation number 5 to vary clause 10. We seek leave to withdraw that proposed amendment. An examination of the consumer price index over the last two years, through to – from March 2006 to 2008 indicates there has been no substantial change in the textile, clothing and footwear index, so in those circumstances we don't seek  
15 to amend the current arrangements.

THE COMMISSIONER: Yes. Well, the application is amended accordingly.

MR FLANAGAN: Thank you, Commissioner. Commissioner, if I can then take  
20 you to the specific variations which are proposed. The first is to vary Part IV clause 2 subclause (b). What that provides for is a meal allowance for breakfast, lunch and dinner, and the rates which we propose to insert are the rates which are currently contained in the Tasmanian State Sector Award at Part IV, clause 2 subclause (d). In variation number 2 again we are seeking to align the rates for  
25 kilometre usage with the Tasmanian State Sector Award Part IV clause 3 subclause (c). Likewise, variation number 3, which varies Part IV clause 4, brings in paragraph (a) the amount of \$117 in line with Part IV clause 3(i) of the Tasmanian State Sector Award.

30 On the following page the amounts are again in – it's variation 3(c) – brings the award into line with the Tasmanian State Sector Award at Part IV clause 3 subclause (i) paragraph 1, and in subclause (d) deleting the amount of \$22.10 - that is a camping allowance – and increasing that to 33.85. That brings that particular provision in line with Part IV clause 1 where a cook is not provided, because that is  
35 a circumstance for the union's members. In Part IV, again that brings the award in line with the Tasmanian State Sector Award Part IV clause 5, and the operative date which is proposed in variation number 6, is also the operative date of the Tasmanian State Sector Award.

40 So the proposition within the variation, which has previously occurred, is these allowances will fall in line, if you like, with what was previously the General Conditions of Employment Award. That provides for administrative efficiency and it also provides for ease on the ground where employees working under the State Sector Award on occasions work with AWU members, and we don't see that it's  
45 desirable in relation to these allowances, that there should be different arrangements in place. So those are the variations that we seek. What we submit is that the

proposed variation does not offend the requirements of the Act, and we seek the commission's approval to vary the award as detailed. If it pleases the commission.

5 THE COMMISSIONER: You are proposing an operative date of 26 November, is that right?

MR FLANAGAN: Yes, that's right, and that is with the consent of the employer, and again, that is the operative date from the Tasmanian State Sector Award.

10 THE COMMISSIONER: Yes. Mr Grey?

MR FLANAGAN: If it pleases the commission.

15 THE COMMISSIONER: Thank you. Mr Grey?

MR GREY: Thank you, Commissioner. The Minister agrees with the submission of Mr Flanagan in this matter. It reflects the decision of the Full Bench in T13227 of 1 December 2008 to vary the General Conditions of Employment Award, and renamed the Tasmanian State Service Award. We hope that this is the first of a series of changes in the AWU Award to reflect the changed terms, conditions, classifications, salaries, allowances and related matters in the Tasmanian State Service Award because as Mr Flanagan said, there is no great difference in what the employees do increasingly, and there ought be no difference in the terms and conditions of their employment either, so the Minister consents to these allowance variations.

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THE COMMISSIONER: Yes, thank you, Mr Grey. Having heard the parties I'm satisfied that the application is consistent with both the wage-fixing principles and the public interest requirements of the Act. The application is granted and will take effect from the beginning of the first full pay period to commence on or after 27 November 2008. The formal decision and an order to reflect this decision will be issued in the next few days. The commission stands adjourned. Thank you.

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35 **MATTER ADJOURNED at 10.10 am INDEFINITELY**