

COMMISSIONER: I'll take appearances, please.

**MR P. NOONAN:** If the commission pleases, I appear on behalf of the Shop Distributive and Allied Employees Association, Tasmanian Branch, NOONAN P.

5      **MISS A. McKEOWN:** If the commission pleases, I appear on behalf of the Australian Municipal Administrative, Clerical and Services Union, MISS A. McKEOWN.

10     **MS J. THOMAS:** If it pleases the commission, JENNY THOMAS, appearing for the Tasmanian Chamber of Commerce and Industry and also today, on behalf of the Retail Traders Association. Mr McDougall extended his apologies for not being able to appear today.

COMMISSIONER: Yes. He did contact me last night. You've got some sort of agreement on this matter, I take it?

15     MR NOONAN: I would hope to have, Mr Commissioner, but I don't know if we do have agreement at this stage.

COMMISSIONER: You haven't had pre-hearing discussions?

MR NOONAN: Yes, we have. There has been a pre-hearing discussion. Draft orders have been submitted, I believe, and found correct.

20     COMMISSIONER: Well, you might ask -

MR NOONAN: I would ask my colleague from the TCCI -

COMMISSIONER: Is there some agreement on this, Ms Thomas?

MS THOMAS: There is no objection to the award being varied in the manner sought on this occasion.

25     COMMISSIONER: Right. Mr Noonan, you might tell me - I just want to know whether I should get ready for an arbitration or whether I -

30     MR NOONAN: Perhaps if I go through a bit of the history, Mr Commissioner, in relation to the matter. Our application, T6628 of 1996 seeks to vary the amount appearing in Clause 37 - Tea Money of the Retail Trades Award by 20 cents to a new figure of \$9.45. This adjustment reflects an increase in the CPI from the June quarter 1995 up until and including the June quarter 1996 by 2.2 per cent which equates to 20 cents.

35     Mr Commissioner, we believe our application is consistent with the principles of the commission, namely T6284 and T6305 of 1996. I'd take you to principle 9.1.1 on page 8 of Allowances and quote:

*Existing allowances which constitute a reimbursement of expenses incurred may be adjusted from time to time where appropriate to reflect the relevant changes in the level of such expenses.*

5 Mr Commissioner, I now take you to a decision of the commission, namely T6582 and T6597 of 1996. This was a full bench decision which granted an increase of 20 cents or 2.2 per cent to 47 awards of this commission. Meal allowance in these awards now stands at \$9.45. This decision was handed down on 4 February 1997. I have a copy of that.

10 COMMISSIONER: I did have a copy before I came down here. It was on the file. **EXHIBIT N.1.**

15 MR NOONAN: That was a full bench decision, Mr Commissioner, and the members of the bench were the President Mr Westwood, yourself and Commissioner Imlach, so I believe that you would be fully conversant of that decision, Mr Commissioner.

COMMISSIONER: Very, I would say.

MR NOONAN: I have a draft order here, Mr Commissioner, that I'll hand up to you.

COMMISSIONER: **EXHIBIT N.2.**

20 MR NOONAN: This draft order is to vary clause 37 by deleting the amount shown in that clause which now stands at \$9.25 and increasing the amount to \$9.45. The draft order is straightforward, a mirror of the award condition, other than that monetary figure there, Mr Commissioner.

25 As you see in the draft order, we are seeking an operative date from the first full pay period to commence on or after 14 February 1997, which is today's date. That draft order has been checked and found to be correct by the TCCI.

COMMISSIONER: Good.

30 MR NOONAN: If the commission pleases.

COMMISSIONER: Thank you. Has the ASUA got a view on this?

MISS McKEOWN: Just to support the application.

COMMISSIONER: Thank you. Ms Thomas?

35 MS THOMAS: As I mentioned earlier, we have no objection to the award being varied in the manner sought. The application is in accordance with the Wage Fixing Principles and also consistent with

the recent full bench decision relating to meal allowances. If it pleases the commission.

5 COMMISSIONER: Well, I can indicate to you, I am going to vary the award in the manner sought, consistent with the Wage Fixing Principles and I note the comments made by the full bench in relation to this matter and I'm sure we all remember that it was varied in a similar manner on the last occasion and I don't see any need for reinventing the wheel. We've been through the case before in a full bench matter and I'll hand down a written decision in due course,  
10 which will be operative from the first full pay period to commence on or after today. Thank you.

**HEARING CONCLUDED**