

**IN THE TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

**T. Nos 665 and 691 of 1987**

**IN THE MATTER OF** applications by  
the Tasmanian Public Service  
Association and the Tasmanian  
Teachers' Federation to vary  
nominated awards to increase  
salaries to reflect movement in  
the Consumer Price Index for  
March, June, September and  
December quarters of 1986

**FULL BENCH**

PRESIDENT  
DEPUTY PRESIDENT  
COMMISSIONER KING

**HOBART, 11 March 1987**

**TRANSCRIPT OF PROCEEDINGS**

(RESUMPTION)

PRESIDENT:

Now at the conclusion of proceedings on 6 March, we indicated that we would defer until today giving our ruling upon certain threshold issues raised by those opposing the matters before this Bench.

The claims before us by the T.P.S.A. and the T.T.F. for a wage increase of 10% for certain State Service employees to reflect movements in the C.P.I. for Hobart for the March, June, September and December quarters of 1986 has been heard over a period of two days thus far.

Both the T.P.S.A. and the T.T.F. argued that their respective claims are allowable by Principle 1 of the current Wage Fixing Principles of this Commission. (T. No's 432, 435, 440 of 1986 refer).

Principle 1 is titled 'NATIONAL WAGE ADJUSTMENTS' and is expressed as follows:-

"NATIONAL WAGE ADJUSTMENTS

(a) Subject to Principle 2, the Commission will adjust its award wages and salaries every six months in relation to the relevant quarterly movements of the eight-capitals CPI unless it is persuaded to the contrary by those seeking to oppose the adjustment on grounds related to the state of the Tasmanian economy and the likely effects of any adjustment on the economy, with special reference to the level of employment and inflation.

(b) The Commission expects that decisions on national wage adjustments will be made to enable adjustments to operate from the 1 January and 1 July.

(c) The form of indexation will be uniform percentage

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adjustment unless the Commission decides otherwise in the light of exceptional circumstances. It is to be understood that any compression of relativities which may have occurred in recent times does not provide grounds for special wage increases to correct the compression.

(d) It would be appropriate for the Commission, after hearing the parties to an award and being satisfied that a proper case has been made out, to recommend the indexation of overaward payments when award payments are indexed."

The representative of the Minister for Public Administration and the representative of the Minister for Industrial Relations, supported by the Tasmanian Chamber of Industries, opposed the hearing of these matters and in this regard a number of arguments were advanced as to why we should not proceed with particular reference being made to sections 25(3) and 21(c)(ii) of the Act.

However, we were of the view that rather than uphold the threshold objections we should allow a continuation of the hearing for the time being so that a full explanation of the basis of the claims could be put by both organizations.

Having heard the principal submission for the T.P.S.A., the T.T.F. and the Secondary Colleges Staff Association, we were again requested by the representatives of the Minister for Public Administration, the Minister for Industrial Relations and the interveners, to either refrain from further hearing the matter pursuant to section 21 or stand the applications over until the next State wage case.

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To an extent events have overtaken us in that the precursor to the next State wage case (that is the National Wage Case decision of 10 March 1986) has been handed down.

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We are entitled to assume that applications of one kind or another will be made to this Commission shortly for a hearing to determine the course we will follow in the light of that decision.

It would be wrong, in our view, to attempt to proceed in a vacuum or to deny the right of any party to have their say concerning any possible alteration to either the ground rules governing the manner in which wages and conditions may be altered in the future, the extent of any general wage increase, or the form of such variation. We of course include the T.P.S.A., the T.T.F. and S.C.S.A. as organizations entitled to be heard in this regard.

Furthermore, now that the present claims have been outlined it is clear to us that whilst only a very limited number of awards are directly involved, due to what might be termed technical difficulties, there is a clear implication regarding flow-on to virtually all public sector awards.

Thus the present case assumes the importance of a partial State wage case which is contrary to the clear intention of Principle 1.

However, we do not propose to dismiss the present claims, rather we believe the present circumstances should be considered against the historical background which has been established in relation to dealing with claims for general increases in wages and salaries applicable to both the public and private sectors.

That is not to say it may not be argued by any organization that

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different approaches should be adopted in these two important areas. However, we are not prepared to, in effect, run two State wage cases.

For all these reasons we will adjourn the present proceedings to a date to be fixed in order that these applications may be heard in conjunction with the next State wage case.

HEARING ADJOURNED