

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 2568

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER J.P McALPINE

T No 12541 of 2006

**TEACHING SERVICE (TASMANIAN
PUBLIC SECTOR) AWARD**

**Application pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the Australian Education Union, Tasmanian Branch
to vary the above award re Part IV - Allowances,
clause 9 - required use of an employee's motor vehicle**

HOBART

11.30 AM, WEDNESDAY, 15 FEBRUARY 2006

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

HEARING COMMENCED

[11.30am]

PN1

MR C. LANE: I appear for the Australian Education Union, Tasmanian Branch.

PN2

MS J. ANGEL: I appear for the Department of Education. With me is MS K. GUNN.

PN3

THE COMMISSIONER: Okay. Mr Lane, over to you.

PN4

MR LANE: Thank you, Mr Commissioner. Mr Commissioner, if I could I would just like to tender two exhibits to the Commission, and obviously to the other side of the table. One is a copy of our application with the reasons set out and one is the information from the Australian Bureau of Statistics on which the variation is based. And I will explain very quickly once I am given the opportunity.

PN5

THE COMMISSIONER: Yes. Let us just call the application to vary the award A1.

EXHIBIT #A1 APPLICATION TO VARY THE TEACHING SERVICE (TASMANIAN PUBLIC SECTOR) AWARD

PN6

MR LANE: Thank you.

PN7

THE COMMISSIONER: And we will call the stats A2.

EXHIBIT #A2 INFORMATION FROM THE AUSTRALIAN BUREAU OF STATISTICS

PN8

MR LANE: Thank you very much.

PN9

THE COMMISSIONER: Right?

PN10

MR LANE: Very quickly, Mr Commissioner, I will just refer to A2 and point out exactly what aspect of it is relevant in this matter. As you can see, it is headed Australian Bureau of Statistics Catalogue Number 6455.0.55.001

Consumer Price Index Standard Report. And if we go across to the - it will be your third page, I think, Mr Commissioner.

PN11

THE COMMISSIONER: The one that is marked?

PN12

MR LANE: Yes, the one that is marked. The column with the asterisk at the top is the column referring to Hobart, and if we go down the left-hand side there is an asterisk next to private motoring. It is to do with the private motoring index which as at the September quarter 2005 stood at 148.5 for Hobart. And that is the relevant figure. It is adjusted every six months, and depending on the movement in that index that determines whether or not we seek to have the kilometrage rate for people who use their cars for work-related purposes varied. As I have pointed out, now referring to A1, Commissioner, as I have pointed out in that on the very first page, especially in paragraph number 2, with the issuing of the latest index September quarter 2005, it has become evident that changes significant enough to justify a review of the allowance has occurred. As I said, that comes out every six months.

PN13

I pointed out the reasons or the ground on which the application is made. I pointed out in those that the changes are in line with the current wage fixing principles. They are also consistent with the public interest requirement in the Act. And the formula used which I will refer to in a moment for the adjustment is consistent with the Full Bench decision in T number 33 of 1985 when this formula was determined following a rather major case at that particular time. If we go to page 2 of that exhibit A1, Mr Commissioner, I pointed out what the formula is. In effect the figure for the March 1980 rate is referred to. At that stage in March 1980 the rate was set at 19 cents. At that time in March 1980 the Hobart private motoring subgroup index was 43.7. It is now at September 2005, it is now 148.5.

PN14

This is a 239.82 per cent increase between the March 1980 and the September 2005 figure. We then apply that 239.82 per cent to the figure of 19 cents and we get an answer of 45.57. To that we then add the 19 and we get a figure of 64.57. We then go to ascertaining what the required user rate would be for those people who are required to use their motor vehicles in the course of their employment, and to get the first rate we add 5 per cent to step five; so we add 5 per cent to 64.57 and we get the answer of 67.8 cents. So for the required user rate for a vehicle that is above - I think it is two litres or above, it is 67.8 cents per kilometre. We then ascertain what the rate is for a vehicle of less than two litres.

PN15

To do that, we actually find 86 per cent of 6A, so 86 per cent of 67.8, and we get the figure of 58.31 cents per kilometre. We then have the other two rates which apply to again cars of more than two litres or cars of less than two litres. When they have done I think it is 10,000 kilometres as required users they reduce in the rate of payment, but they receive reduces to those two figures of 35.93 cents a kilometre and 31.19 cents per kilometre. The occasional user

rate is for those who are not required necessarily to use their motor vehicles for work-related purposes, but may on occasion to do so and they are entitled to receive the kilometreage rate set down there by again applying certain formula to step 5 and then deducting or making it 86 per cent of step 7A, 53 per cent of 7A and 46 per cent of 7A to arrive at those figures per kilometre.

PN16

I have then added for your information, Mr Commissioner, a draft order which would in fact be what the change would look like. And if it would be convenient and if you approve that are put forward, I am more than happy to email that electronically so that it would be easy for your people to simply amend the award. And I would ask, Mr Commissioner, that the changes sought apply from the date of decision. We are already a little late in getting this one forward. And can I just say, they also are the same figures - they are consistent with the figures as found in the General Conditions of Employment Award which was varied about four weeks ago by Commissioner Abey in a case before him. So with that in mind, Mr Commissioner, I would ask that you agree to the variation as proposed and have the date on which they apply be the date of decision.

PN17

THE COMMISSIONER: Fine. Ms Angel, over to you.

PN18

MS ANGEL: Yes. Thank you, Commissioner. The Department supports the amendments as put forward by Mr Lane in the Australian Education Union and seeks to have the award varied according to the draft order.

PN19

THE COMMISSIONER: That makes my job easy. That is fine. Well, since you are in rabid agreement then look, I am happy to approve this as of today's date and we will use your - you don't need to send us it, we will use this as a basis anyway but we will re-word it with our words.

PN20

MR LANE: Okay, yes.

PN21

THE COMMISSIONER: I have done it.

PN22

THE COMMISSIONER: You have done it?

PN23

MR LANE: There you go.

PN24

THE COMMISSIONER: All right. Well, thank you. I will adjourn. It is approved.

ADJOURNED INDEFINITELY

[11.40am]

INDEX

LIST OF WITNESSES, EXHIBITS AND MFIs

**EXHIBIT #A1 APPLICATION TO VARY THE TEACHING SERVICE
(TASMANIAN PUBLIC SECTOR) AWARD..... PN6**

**EXHIBIT #A2 INFORMATION FROM THE AUSTRALIAN BUREAU OF
STATISTICS PN8**