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TRANSCRIPT OF PROCEEDINGS

O/N 8982

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER T.J. ABEY

T No 10528 of 2002

T No 10529 of 2002

**COMMUNITY AND HEALTH SERVICES
(PUBLIC SECTOR) AWARD**

GENERAL CONDITIONS OF EMPLOYMENT AWARD

**Applications pursuant to the provisions of
section 23(2)(b) of the Industrial Relations
Act 1984 by the Community and Public Sector
Union (State Public Services Federation
Tasmania) to vary award re kilometreage
allowance**

HOBART

10.30 AM, FRIDAY, 22 NOVEMBER 2002

HEARING COMMENCED

[10.35am]

PN1

THE COMMISSIONER: Is there any reason why these matters can't be dealt with together?

PN2

MR R.J. MILLER: I suggest that they be conjoined, sir. I appear on behalf of the Community and Public Sector Union (State Public Services Federation Tasmania).

PN3

MR T. JACOBSON: I appear on behalf of the Health Services Union Australia, Tasmania Number 1 Branch.

PN4

MR R. HUNT: I appear on behalf of the Australian Education Union, Tasmania Branch, in the matter 10529 only.

PN5

MR T. PEARCE: I appear for the Minister Administering the State Service Act (2000) in both matters.

PN6

THE COMMISSIONER: Thank you, Mr Pearce. Yes, Mr Miller?

PN7

MR MILLER: Sir, 1681 Henry Purcell died this week which is somewhat unfortunate for the man but his music lives on. In the matters before us, sir, the process is the same as those that have been put to this Commission on many, many occasions but just for the purposes of reference I will very briefly run through the process. The applications are related to expense-related allowances in vehicle usage. The matter is a consent matter with the Minister administering the State Services. I don't believe there are any threshold matters. The last applications on these issues were made some considerable time ago in the year 2002 and 2001 and I believe were under the hearing numbers T9306 of 2000 which was the general conditions of employment and T9413 of '01.

PN8

The applications mirror the method of claim as required by the formative determined by the Full Bench decision of T33 of '85. I believe the bench has copies of the ABS extracts and the method of calculation. If there is anything that you wish to query there, sir, I am more than happy to answer any questions.

PN9

THE COMMISSIONER: No, Mr Miller.

PN10

MR MILLER: The ABS extract is the CPI subgroup and expenditure class Transport and Motoring, Hobart. I believe that the application is contained

within the wage-fixing principles 2002, clause 8, allowances, and clause 14, economic capacity to pay, and I would request that the date of application be as from the first full pay period on or after the date of decision. That somewhat grieves me because I believe in instances it should be as from the date of application but given that this bench's considerable numbers of decisions in the past have given it as from the first full pay period on or after the date of decision I guess I will have to accept that, sir. If the Commission pleases.

PN11

THE COMMISSIONER: Thank you, Mr Miller. Mr Jacobson?

PN12

MR JACOBSON: Commissioner, we concur with the submissions made in relation to this matter by the CPSU and believe that it satisfies the requirements in terms of the Act.

PN13

THE COMMISSIONER: Yes, Mr Hunt?

PN14

MR HUNT: Commissioner, in relation to matter T10529 of 2002, the Australian Education Union, Tasmanian Branch, supports the submissions made by Mr Miller as well and I would like to indicate, I guess primarily for the benefit of the representative of the Minister, that we have lodged an application to reflect these calculations and these movements in the Federal Commission for the teaching awards for the Tasmanian Public Sector and also for the TAFE Teaching Award so we have taken the necessary steps to ensure that those rates are maintained and equal for both those people paid under this award or who derive this benefit from this award and also for our teaching members who are under Federal awards and we also agree that the application does not offend the wage-fixing principles and is in accordance with the Act. If the Commission pleases.

PN15

THE COMMISSIONER: Yes, thank you, Mr Hunt. Mr Pearce?

PN16

MR PEARCE: Thank you, Commissioner. I rise briefly to indicate that the employer consents to the application and to further advise that we were as usual given prior opportunity to view the terms of the draft orders and with which we concur. We endorse the submissions of Mr Miller for the CPSU, noting that the matter is consistent with the State wage-fixing principles, principle 8, and is also consistent with the section 36 considerations of the Act. We also endorse the position advanced by Mr Miller in relation to date of effect, being the first full pay period on or after date of decision. If it please the Commission.

PN17

THE COMMISSIONER: Very well. Having heard the parties, the applications will be granted and the awards varied accordingly. The operate date will be the beginning of the first pay period to commence on or after today, 22 November, and a formal decision will be issued to that effect in the

immediate future. Thank you for your attendance. The Commission stands adjourned.

ADJOURNED INDEFINITELY

[10.45am]