



*Tasmanian Industrial Commission*

Industrial Relations Act 1984

T No. **9812 of 2001**

**IN THE MATTER OF** an application by  
The Association of Professional  
Engineers, Scientists and Managers,  
Australia to vary the Professional  
Engineers and Scientists (Private  
Industry) Award

Re: to amend Part IV - Allowances,  
Clause 2 - Vehicle Allowance and Part  
VI - Leave and Holidays with Pay,  
Clause 3 - Bereavement Leave

COMMISSIONER SHELLEY

HOBART, 12 October 2001

**TRANSCRIPT OF PROCEEDINGS**

Unedited

(WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY)  
(ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS)

**HEARING COMMENCED 9.49am**

COMMISSIONER: I'll take appearances, please.

**MR D. PYRKE:** If the commission pleases, DARRYL PYRKE, appearing on behalf of the Association of Professional Engineers, Scientists and Managers, Australia.

COMMISSIONER: Thank you.

**MR J. O'NEILL:** If it please the commission, O'NEILL J., appearing for the Tasmanian Chamber of Commerce Industry Limited.

COMMISSIONER: Thank you, Mr O'Neill. Mr Pyrke, if you can take us to the application?

MR PYRKE: Yes, thanks, commissioner. As has been announced already, there are two parts to the application. Firstly, we'd like to vary Part IV, Clause 2 - Vehicle Allowances. We'd like to vary it in line with the prescription contained within the clause itself. It was last varied in December 1996 in matter T6609 and that led to Order 3 of 1996.

If I could, please, I'd like to table an exhibit to show you the movements since then.

COMMISSIONER: **EXHIBIT P.1.**

MR PYRKE: Thanks, commissioner. The first page of that exhibit is a spreadsheet from my computer. It's basically showing the starting point which is 43 cents, on the left-hand side of the page. Moving across the page, it's showing increases of 2.3 per cent between March 1996 and March 1997, a drop of 1.8 per cent over the following year and a drop of 1.4 per cent over the 12 months to March 1999 and a big increase of 7.4 per cent in the 12 months to March 2000 and another 5.1 per cent in the 12 months to March 2001.

If you want to go through the detail, I can take you through the balance of the exhibit which shows you where these numbers have come from in terms of ABS publications. Should I go through those documents or do you want to take those figures as read there?

COMMISSIONER: I'll take them as read.

MR PYRKE: Thanks, commissioner. The second part of the application deals with Clause 3 - Bereavement Leave of Part VI. The substantive change here is to add two categories to the list of people in respect of whom leave can be taken and we're talking here about grandparents and members of the employee's household who are not immediate family as defined.

40 In the case of grandparents, that category of people features in a number of awards including the Civil Construction and Maintenance award and the Drafting and Technical Officers Award. These awards are significant as they apply to work colleagues of people who would be employed under the Engineers and Scientists (Private Industry) Award. So, the application has the effect, to a degree, of unifying conditions in some workplaces.

45 In relation to members of an employee's household, the number of awards which that applies to is fewer but I can say that a number of awards from the Health and Community Services Union have been varied in relation to that provision so you certainly wouldn't be breaking new ground by agreeing to this application.

50 COMMISSIONER: It also adds, grandchild, that wasn't in the award previously. Is that correct? Not just grandparent but it's also grandchild?

MR PYRKE: Yes, I think so. That's right. Again, grandchild appears in a number of awards of the commission.

55 In the case of grandparents and grandchildren, I think it is fair to say, or I certainly submit, that it reflects a change in community standards in relation to members of employees' households. Again, I would submit, it's reflecting an emerging change in community standards, so I submit the application has got substantial merit.

60 The application has been discussed with the TCCI and as I understand it, it's got their consent. I submit that the application conforms with the current Wage Fixation Principles. This being the case, I further submit that the application is consistent with the public interest.

65 On the basis of this submission, commissioner, I submit that it is open to you to make the order in the terms set out in the application. If you agree, I ask that you do so from the first pay period commencing from today's date.

70 COMMISSIONER: The wording is exactly the same as the full bench matter, or the number of awards in the health industry. Is that the case?

MR PYRKE: I believe it is, commissioner. I got the words from HACSU and I understand that they would have followed that.

COMMISSIONER: Thank you. Mr O'Neill?

75 MR O'NEILL: Thank you, commissioner. I'll be very brief. TCCI do consent to the application. It's in accordance with the public interest and we also concur with the operative date being from today's date. If it pleases.

80 COMMISSIONER: Thank you, very much. In that case I indicate to the parties that the award will be varied in the manner sought with an operative date, the first full pay period on or after today's date.

That concludes the matter.

**HEARING CONCLUDED 9.55am**