



Tasmanian Industrial Commission

Industrial Relations Act 1984

T No. **9813 of 2001**

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

Re: minimum rates adjustment, vehicle
allowance and 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 9.56am

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 Pyrke.

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

COMMISSIONER: Thank you. Mr Pyrke, would you like to address the application?

MR PYRKE: Yes, thanks, commissioner. Commissioner, this application is in three parts, the first of which deals with Part III Clause 1 - Salaries. Here we're seeking to give effect to the first of two minimum rates adjustments that were contemplated when the award was created in March of this year in matters T8948 and T9318. If it pleases, I'd like to table an exhibit to take you through the submission.

COMMISSIONER: **EXHIBIT P.1.**

MR PYRKE: Commissioner, with this exhibit you can see two tables. The first of these mirrors exhibit P.1 from matters T8948 and T9318. Basically, that sets out in this exhibit what was before you previously to the letter.

The second table in exhibit P.1 of today's date changes that first table by the amounts of this year's safety net adjustment. As a result of that you can see that from August 2001 in the second table, looking at the numbers 31229, 33352, 35519, 37502, 38860 and 40370 and those numbers have now transposed into the final column in the draft order. We would propose that you compare that table in this exhibit with the draft order and you'll see that the numbers are the same.

COMMISSIONER: Yes.

MR PYRKE: The proposed clause in the draft order shows separate columns, the base rate, minimum rates adjustment and safety net adjustment. I understand that it meets the commission's requirements in this regard.

Moving now to the second part of the application, Part IV, Clause 3 - Vehicle Allowance. This seeks to do two things. Firstly, to insert a formula by which we can keep the award up to date and, secondly, to vary the award in line with that formula. The need to insert the formula arises from an omission that I made when the award was created. We've elected to vary the award in June each year in line with

40 the transportation component of the Consumer Price Index for the 12 months ending in March.

We've chosen that particular formula because that's the one that's used in the Engineers and Scientists (Private Industry) Award, which is the source of the current quantum.

45 The current figure inserted into the Architects Award in March of this year in matters T8948 and T9318. It was inserted at that time so it needs to be adjusted for the 12 months from March 2000. Basically, it reflected - what was in the award this year reflected what was there in March 2000 so it now needs to be changed to reflect the 12 months
50 from March 2000 to March 2001.

If I may, I'd like to table an exhibit, please.

COMMISSIONER: **EXHIBIT P.2.**

MR PYRKE: The covering sheet of this exhibit shows an increase of 5.1 per cent in the 12 months from March 2001 and that gives us the
55 outcome of 48 cents per kilometre when it's applied to the previous number of 47.5 and just to explain how we got to the figure of 5.1 per cent, if I could ask you to go inside the exhibit and in fact turn to the back page. It's an extract from the Consumer Price Index and in the left-hand column, the second column of the page, you'll see it's headed
60 up, Transportation, and that therefore refers to the movement in the transportation component of the CPI.

If you move down the page, there's a section headed, Percentage Change From Corresponding Quarter of Previous Year. If you go to March 2001, which is underlined, you can see the figure of 5.1 per
65 cent and that's the basis on which we've moved.

If I could now move to the third part of the application dealing with bereavement leave. There are substantive changes to add three categories of people to the list of people in respect of whom leave can be taken. We're talking about grandparents and grandchildren and
70 members of the employee's household who are not immediate family as defined. Grandparents and grandchildren feature in a number of awards of this commission. Members of employees' households do appear in some awards of the commission, especially those that have been moved and varied by the Health and Community Services Union,
75 so on that ground, I submit that you're not breaking any new ground.

As a substantive argument in support of the application, it does reflect community standards in relation to grandparents and grandchildren and in relation to household members. I submit it's reflecting an emerging community standard.

80 The application has been discussed with the TCCI and I understand has got their consent. I submit that the application conforms with the

current Wage Fixation Principles and that being the case, I further submit that it is consistent with the public interest.

85 On the basis of this submission, I believe it's open to you to vary the award in the terms of the order that's before you and if you agree, we'd ask that you do so from the first pay period commencing on or after today's date. If the commission pleases.

COMMISSIONER: Thank you. Mr O'Neill?

90 MR O'NEILL: Yes, thank you, commissioner. The TCCI consent to the application. It is in accordance with the Wage Fixing Principles. It does not offend the public interest in any way and we also concur to the operative date, if it pleases.

95 COMMISSIONER: 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.

100 Mr Pyrke, my associate will probably be in touch about the form of the orders to be made in relation to the way that it's to be set out, just to make sure that we're all on the same wave length. Subject to any changes being made as a result of that, as I said, the award will be varied.

That concludes the matter.

HEARING CONCLUDED 10.04am