

**HEARING COMMENCED 10.30am**

COMMISSIONER: I'll take appearances, please.

**MR I. PATERSON:** If the commission pleases, IAN PATERSON for the Australian Municipal Administrative, Clerical and Services Union.

5 COMMISSIONER: Good. Thank you.

**MR C. BROWN:** If the commission pleases, C. BROWN, appearing for the Health Services Union of Australia, Tasmania No. 1 Branch.

COMMISSIONER: Thank you.

10 **MR. M. WATSON:** May it please the commission, MARK WATSON. I appear on behalf of the Tasmanian Chamber of Commerce and Industry.

COMMISSIONER: Right. Well, Mr Paterson?

15 MR PATERSON: Mr Commissioner, this is a matter with a little bit of history to it, that these allowances in the Community Services Award except for the first aid allowance, have not been varied since the award was made. This application seeks to rectify that by flowing on, if you like, the increases to work-related allowances in accordance with movements in the hundred per cent base rate within the award.

20 The application includes the orders to give effect to those increases and there is also a table, I believe in your copy, which details the calculation of the variation to the allowances. The first aid allowance was varied last year to give effect to the increase for the July 1997 safety net increase, so there's a slight difference between that and the other allowances.

25 The parties have had discussions and this matter was first raised by the union in October last year. Various events overtook our deliberations and when this year's wage case was under consideration, the parties agreed that they would withhold the application to vary until such times as the outcome of the state wage case was known so that all the outstanding increases could be given effect by a single application.

30 The parties had also agreed that the date of effect, date of operation, would be the first full pay period commencing on or after 14 July. The application, as you would be aware, was made on 1 July and that's a consent position by the parties. This application seeks to vary the award in a way that's consistent with the commission's principles for varying work-related expenses and the draft orders that are there, I believe, give effect to that application.

COMMISSIONER: Are you saying, all those allowances are increased by 11 per cent except for the first aid allowance, which is increased by 8.7 per cent?

5 MR PATERSON: The actual calculations are based, not on the full sum of the percentage increases but rather on the application and rounding, as if they were applied at each time. For instance, the \$30.00 allowance has moved to \$30.55 with 1.9 per cent, \$31.15 with 1.9 per cent, \$31.70 with 1.8 per cent, \$32.40 with 2.3 per cent and \$33.40 with the last 3.1. So, rather than apply the full total of the 11  
10 per cent, it proceeds to move them as if they had been moved at the appropriate time.

COMMISSIONER: Yes, so it's the accumulative effect.

15 MR PATERSON: Accumulative effect rather than the accumulative percentage and that produces the amounts as indicated in the application in the draft order.

COMMISSIONER: Right. Mr Brown, have you anything further to add?

20 MR BROWN: Mr Commissioner, just simply to say that we support the application and see no reason why the commission shouldn't endorse it. We also agree with the operational date being 14 July.

COMMISSIONER: Mr Watson?

25 MR WATSON: Commissioner, I can confirm that this is a consent matter. The parties have had discussions and at the time when we did reach agreement, we did agree that the operative date would be the first full pay period on or after 14 July.

We would submit that the application is in accordance with the commission's Wage Fixing Principles and has no offence to the public interest test in the Act.

30 We would ask that the commission vary the award from the date sought. If it please the commission.

COMMISSIONER: Right. Well, I can indicate to the parties that I'll hand down a written decision in due course. It will be in favour of the application and it will be in accordance with the operative date sought.

Thank you. The matter is closed.

35 **HEARING CONCLUDED**