



TASMANIA

*Tasmanian Industrial Commission*

Industrial Relations Act 1984

**T Nos. 10199, 10200, 10201 and  
10202 of 2002**

**IN THE MATTER OF** applications by  
The Community and Public Sector Union  
(State Public Services Federation Tasmania)  
to vary the General Conditions of Service  
Award, Community and Health Services  
(Public Sector) Award, Sea Fisheries  
Award, Police Departmental Employees  
Award, respectively

Re: expense-related allowances

COMMISSIONER SHELLEY

HOBART, 29 May 2002

**TRANSCRIPT OF PROCEEDINGS**

**UNEDITED**

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

## HEARING COMMENCED 3.05pm

COMMISSIONER: I'll take appearances please. The first one I've got listed is the HSUA.

5 **MS K. MATHISON:** Commissioner, my name is MATHISON, initial K, and I appear on behalf of the Health Services Union of Australia, Tasmania No.1 Branch.

COMMISSIONER: Thank you. And you're appearing in respect of?

MS MATHISON: Two of the matters, commissioner – T10199 and T10200 only.

10 **MR R. HUNT:** Commissioner, ROD HUNT appearing on behalf of the Australian Education Union, Tasmanian Branch, in relation to matter T10199 of 2002.

COMMISSIONER: Thank you.

15 **MR R. MILLER:** If the commission pleases, RODERICK MILLER appearing on behalf of the Community and Public Sector Union (State Public Service Federation Tasmania), appearing in all matters.

COMMISSIONER: Thank you.

**MR T. PEARCE:** If it please the commission, PEARCE, T. appearing for the Minister administering the *State Service Act 2000* in all matters.

20 COMMISSIONER: Thank you. And it is agreed between all of the parties that the matters be heard jointly?

MR MILLER: Yes.

MR PEARCE: Yes.

MS MATHISON: Yes, commissioner.

25 COMMISSIONER: Thank you. So is kicking off? Mr Miller?

MR MILLER: I suppose it falls to my lot, commissioner. Standing tall today reminds me that today in 1953, Mt Everest was first climbed by Hillary and Tensing.

COMMISSIONER: A New Zealander.

30 MR MILLER: A New Zealander indeed, commissioner. Yes. And a Nepali.

COMMISSIONER: Yes. Tensing Sherpa – or Sherpa Tensing.

MR MILLER: The application in front of us relates to expense related allowances contained in the various awards which are before us. There are no threshold matters that I'm aware of and there are no alterations to the application.

The matters are agreed with the minister.

The applications mirror the methodology of claim as required by the formula determined by the full bench decision T833 of 1987 and I believe that with the applications you have a copy of the method of calculation to arrive at the percentage increase claimed and a copy of the extract of the ABS statistic figures from which the figures are taken.

This method determines the appropriate percentage increase by subtracting the previous quarter of the average weighted index of the eight capital cities from the previous quarter and making that calculation which you have in front of you, I think from memory it was 2.94 per cent rounded.

COMMISSIONER: Yes.

MR MILLER: The claim, I believe, satisfies the principles adopted by the Tasmanian Industrial Commission in as far as the – I believe it's T431 of 1999, the Wage Fixing Principles under the existing allowances and economic capacity to pay clauses. I don't believe that this claim in any way detracts from the principles and I would ask that the application, if granted, be applied from the date of decision, but given previous decisions of this commission one can only expect that it be granted as from the first full pay period on or after the date of being granted. If the commission pleases.

COMMISSIONER: You're asking for it from the date of decision and you're saying that previous decisions have said that on or after the day of it being granted. How they differ?

MR MILLER: Sorry, commissioner, I had my tongue in my cheek most firmly. I'll rephrase that.

COMMISSIONER: Thank you.

MR MILLER: That the decision be applied from the first full pay period on or after the date of decision of the commission.

COMMISSIONER: So you're not asking for it to be applied from the first full pay period on or after today?

MR MILLER: If I had a snowball's chance in hell, commissioner, I would, but I think not.

COMMISSIONER: Thank you.

MR MILLER: If the commission pleases.

COMMISSIONER: Ms Mathison?

70 MS MATHISON: Commissioner, we're pleased to see the awards varied in the manner outlined and support that variation.

COMMISSIONER: Thank you. Mr Hunt?

MR HUNT: Commissioner, we too support the application and agree with the methodology and the calculations that have been arrived at and can I also  
75 say that it's a pleasure to appear before you for the first time in this commission.

COMMISSIONER: Thank you, Mr Hunt.

MR HUNT: And whilst it's very late, I must congratulate you on your appointment to the commission. If the commission pleases

80 COMMISSIONER: Thank you. Mr Pearce?

MR PEARCE: Thank you, commissioner. Mr Miller's submission, particularly in relation to operative date, has truncated my submission by half.

Commissioner, these are applications by the Community and Public Sector Union to vary expense related allowance provisions of the four subject awards.

85 In indicating the consent of the employer to all matters and to operative date, we submit that such adjustments are consistent with Principle 7.1.1 of the commissions Wage Fixing Principles. Furthermore, we submit that the granting of the applications will not affect the public interest considerations of section 36 to which the commission is statutorily bound to have regard.

90 The consent of the employer has given both those to the quantum of increase and to the CPI methodology which underpins those increases. If it pleases the commission.

COMMISSIONER: Thank you. Well, having heard the submissions of the parties, I indicate that the increases to the allowances as sought will be granted  
95 and the decision will come down at the earliest possible date that I can manage it. The matter is adjourned.

**HEARING ADJOURNED 3.15pm**