

PRESIDENT: Appearances, please.

MR J. BONE: Yes, If the commission pleases, JAMIE BONE, and I appear on behalf of the Minister for Public Sector Administration.

PRESIDENT: Good. Thank you, Mr Bone.

5 **MR R. MILLER:** RODERICK MILLER, sir, appearing on behalf of the Community and Public Sector Union (SPST). If the commission pleases.

PRESIDENT: Very good. Thank you, Mr Miller. Okay, Mr Bone, it is your application, can you take me through it.

10 **MR BONE:** Mr President, I would like to advise the commission that prior to lodging this application I notified all parties that have an interest in the General Conditions of Employment Award to seek a consensus to the rates contained in the application.

PRESIDENT: When was that?

MR BONE: That was last week. I think I sent out a notification on Tuesday of last week.

15 PRESIDENT: Okay.

MR BONE: To date I have received support from several organisations and in light of today's appearances one would assume that the remaining organisations consent to this matter.

Mr President, the matter before you today -

20 PRESIDENT: Well, the matter has been duly notified. All the parties have been informed of the hearing time.

MR BONE: Thank you, Mr President.

25 **MR BONE:** Mr President, the matter before you today seeks to vary the rates varied under clause 9, subclause (a)(i) headed, 'Board and Lodging', and subclause (b) headed, 'Meals on Duty'. These are contained in the General Conditions of Employment Award.

This application is made in accordance with section 23(1) of the Tasmanian Industrial Relations Act 1984.

30 I would like to point out that these particular charges have not increased since 6 November 1992, compared with expense-related allowances contained in the award, which have regularly increased based on the consumer price index movements. In fact, the last time these charges were increased it was as a resolution to a relatively major industrial dispute.

If I can just hand up an exhibit.

35 PRESIDENT: Very good. Thank you. We will mark this Exhibit - you have marked it already, Mr Bone?

MR BONE: Yes. Sorry, Mr President, I was getting my act together this morning.

PRESIDENT: We will mark it B.1 for the purpose of the records.

5 MR BONE: As a resolution to the dispute I just mentioned, the full bench of the commission in Decision T. No. 2212 on pages 2, paragraphs 3 and 4 of that decision, the full bench categorises allowances and charges together, based on section 9 of the wage fixing principles which relate to allowances being adjusted from time to time to reflect relevant change.

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PRESIDENT: That's the second matter? Yes.

MR BONE: Yes. That actually stems from that full bench decision which allows board and lodging in the award to be varied in the same manner.

10 Therefore, today's application seeks to adjust these charges to reflect the CPI movements as at 1 April 1994 up to and including the 31 March 1995 based on the wage average of the eight capital cities. This would also be in line to variations made to expense-related allowances to the General Conditions of Employment Award in Matters. T. No. 5695 of 1995 where the allowances were increased by 3.9%, and T. No. 15 6189 of 1986 where it was increased by 3.7%, and I would like to tender an exhibit on those decisions.

PRESIDENT: Yes. Thanks. Okay, we will mark this B.2.

MR MILLER: Yes, If the commission pleases, you haven't been watching a TV program of 'Bananas', have you sir?

20 PRESIDENT: No. Thanks, Mr Miller, no. It had nothing to do with that. I am sorry, Mr Bone, for Mr Miller's rather pointed little joke. B.1 and B.2, yes, all right; and to answer the first part of your question, Mr Miller, no.

MR MILLER: You don't know what you are missing, sir.

PRESIDENT: Sorry, Mr Bone, please take no notice of Mr Miller.

25 MR BONE: Mr President, the minister also made application on the 27 August 1996, which was just last week, to vary the provisions in the Medical Practitioners Award - sorry, the Medical Practitioners Public Sector Award - and the Community and Health Services Public Sector Award. Those applications were actually endorsed by Deputy President Johnson in Matters T.6425 of 1996 and T.6423 of 1996.

30 Just as a last exhibit I will tender those decisions, thanks, Mr President.

PRESIDENT: Yes, we will start on a new program. So the decision dated 3 September '96 and the other marked 2 September '96 will be Exhibit B.3.

MR BONE: Thank you, Mr President.

35 Sir, I believe the variations are in accordance with section 9.1.1 of the commission's 1994 wage fixing principles using the calculations contained in the full bench decision in Matter T. No. 833 of 1987.

I also believe the application does not contravene the public interest in accordance with section 36 of the Tasmanian Industrial Relations Act 1984 and also, Mr President, I request that if the application is successful that the operative date for the 40 variations be the first full pay period on or after the date of decision.

PRESIDENT: The date of decision.

MR BONE: If the commission pleases.

PRESIDENT: All right. Thanks, Mr Bone. Before you sit down just let me go through the application.

5 Item [1] seeks to vary board and lodgings and meals on duty components of deductions from salary from the March Quarter '94 up to the March Quarter '95. Can you tell me why it stops at 20 November 1995 - sorry, at the March Quarter '95?

MR BONE: Yes. Basically, Mr President, the minister has basically failed to increase these allowances along with the CPI movements and, therefore, we have actually missed three CPI increases from '93 to today's date. Therefore -

10 PRESIDENT: Which ones are they?

MR BONE: Well, they missed the March Quarter '93 to '94, March Quarter '94 to '95 and the last March Quarter.

PRESIDENT: The period, the year '94-95 - March to March '94-95?

MR BONE: Yes, Mr President.

15 PRESIDENT: That's just a 12 month increase.

MR BONE: That's right, Mr President.

PRESIDENT: Yes. There was no variation from 6 November '92?

MR BONE: No.

PRESIDENT: So there's potentially almost a 2 year gap there.

20 MR BONE: Yes.

PRESIDENT: That hasn't been accommodated.

MR BONE: That's right, Mr President.

PRESIDENT: And you are not seeking to pick up the 12 months from March '95 to March '96?

25 MR BONE: Yes, we are, Mr President, which is the -

PRESIDENT: That's the Part 2, is it?

MR BONE: Yes, that's actually Part 2.

PRESIDENT: Right. Okay.

MR BONE: Basically, what we are -

30 PRESIDENT: So it is 3.9 for the year ended March Quarter '95 -

MR BONE: Yes.

PRESIDENT: - and 3.7 for the year March '95 and March '96?

MR BONE: That's correct, Mr President.

PRESIDENT: And the period from November '92, or whatever the CPI year that was that was accommodated at 6 November '92, from then to March '94 is it being ignored?

5 MR BONE: Yes, Mr President. Basically, when we did the applications we realised that there was an anomaly there, whereas the expense related allowances would go on over and above the charges and, therefore, one of my colleagues did the calculations they only included the two last CPI movements.

PRESIDENT: So it is a decision that has been made that that period is written off?

MR BONE: Yes, basically.

10 PRESIDENT: All right. And, okay, I will hear from Mr Miller as to the other questions, thanks, Mr Bone. Mr Miller.

15 MR MILLER: Thank you, sir. It is rather an auspicious day, because on this day in 1620 the pilgrim fathers sailed from the United Kingdom to the United States of America, or what was to become the United States of America, to set off a new life of equity and freedom and liberty.

Apart from that, sir, I have no submissions to put before you. If I did, I would put it B.4 you, but unfortunately after 3 there is no others.

20 The matter is a mirror case of that which Mr Bone has cogently explained. We accept that fact that the agency has put these claims before the commission. There is no impediment from the CPSU. If the commission pleases.

PRESIDENT: Right. And you have made your examination of the calculations of the CPI movements?

MR MILLER: Indeed, sir. They are a mirror image of those that went before the -

PRESIDENT: That wasn't the question.

25 MR MILLER: That may not have been the question, sir, but the answer is that they are a mirror image of those that have been before this commission in another hearing.

PRESIDENT: Can you tell me whether those calculations were checked for the purposes of that other hearing?

30 MR MILLER: Indeed they were, sir, and indeed I was able to pick up a couple of minor errors which I informed Mr Bone about and they were subsequently changed. So, given that they are a mirror image of that document that was previously put before Mr Deputy President Johnson I have no impediment to these matters being placed before you, sir.

PRESIDENT: Yes, well I am not too concerned about the mirror image part of it, Mr Miller. I am really concerned about what's before me, and the accuracy of what's before me.

MR MILLER: Indeed, sir. I have no reason to complain of the figures laid down, sir.

PRESIDENT: Yes. All right.

MR MILLER: If the commission pleases.

40 PRESIDENT: Very good. And date of decision for operative purposes?

MR MILLER: As Mr Bone indicated, sir, I think that for the purposes of continuity in decisions that have otherwise emanated from this commission, the first full pay period on or after the date of decision.

PRESIDENT: Okay. Thank you very much. Thanks Mr Bone.

- 5 Well, I am satisfied that the application meets the criteria required in accordance with the wage fixing principles certainly meets the tests contained in the Industrial Relations Act for the purpose of public interest, and the award will be varied in the manner sought with effect from the first full pay period to commence on or after the date of my decision, which will be fairly shortly issued. Thank you.

10 **HEARING CONCLUDED**