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## TRANSCRIPT OF PROCEEDINGS

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O/N 169055

### TASMANIAN INDUSTRIAL COMMISSION

**MR T. ABEY, Deputy President**

**No. T13787 of 2011**

**POLICE ASSOCIATION OF TASMANIA**

**and**

**COMMISSIONER OF POLICE**

**Application under section 23 of the Industrial  
Relations Act 1984 re: Police Award Variation**

**HOBART**

**9.30 AM, WEDNESDAY, 29 JUNE 2011**

**TRANSCRIBED BUT NOT RECORDED BY  
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THE DEPUTY PRESIDENT: Yes, good morning, can I take appearances, please?

5 MS A. SMITH: Good morning, Deputy President, Angela Smith for the Police Association of Tasmania.

THE DEPUTY PRESIDENT: Thank you, Mrs Smith.

10 MR T. MARTIN: Good morning, Deputy President, Tony Martin, appearing for the Commissioner of Police.

THE DEPUTY PRESIDENT: Yes, thank you, Mr Martin. Mrs Smith?

15 MS SMITH: Yes. Deputy President, this application relates to the usual annual review of expense related allowances contained within the Police Award. The agency has indicated it consents to the variation of the Police Award as per the application and the variation to the expense allowances relates to monetary amounts, the essence of the causes remain the same. The expense allowance monetary amounts are being adjusted in accordance with clause 10(12) of the Police Award.

20 This clause was added into the new consolidated award this year and formalises what has been occurring for many years. The increase is based upon the consumer price index weighted average of the eight capital cities calculated for the period March 2010 to March 2011. The CPI adjustment for that period is calculated at 3.3 per cent and I seek to tender the method of calculation together with a document downloaded directly from the Australian Bureau of Statistics website, which indicates the changes to the indices in the relevant quarters.

25 THE DEPUTY PRESIDENT: Thank you. I will mark the ABS document A1.  
30

#### **EXHIBIT #A1 ABS DOCUMENT**

35 THE DEPUTY PRESIDENT: And the method of calculation will be A2.

#### **EXHIBIT #A2 METHOD OF CALCULATION**

40 THE DEPUTY PRESIDENT: Yes, thank you, Ms Smith.

45 MS SMITH: Now, this is a routine amendment and as I have indicated it is agreed. There are three other agreed amendments to the award. Two of those are minor misnumbering corrections at clauses 10.91 and 11.21. The third amendment is at clause 9.41 and this relates to the list of designated country stations. It has been agreed between the parties that the second position at Orford, which is part marine,

part general uniform, will attract the designated country station allowance. The existing subclause will – sorry the existing subclause (b) will become subclause (c), and the new subclause (b) will provide that this combined position, which was not previously recognised as a designated position in the location, will now be  
5 recognised. In fact, the agency has recognised this position as a designated position as a matter of policy since late March 2011.

The new clause provides that the position will interact with other stations in the designated cluster and will continue to interact with other stations within the Sorell  
10 division for marine duties. And that concludes the explanation of the variation sought. In summary, I believe the application is consistent with the principles of the Commission and it is consistent with the manner in which these allowances have been adjusted in the past. We respectfully submit that the date of operation be effective from the date of determination, and this has been past practice, Deputy  
15 President. This concludes my submission. Thank you.

THE DEPUTY PRESIDENT: Yes. Mr Martin?

MR MARTIN: Thank you, Deputy President. The controlling authority agrees with  
20 the submission put by the Police Association and it is also pleased to acknowledge the further negotiations post the award implementation concerning Orford. That's a particular benefit to the organisation, so we certainly support that in that. The applicable date, we would ask that we actually have two dates. The meal allowances, we have no problems with the date of decision. When it comes to the expense-  
25 related allowances, those that are per annum, we would seek that that be the first full pay period on or after the date of decision.

The reason being – and this is a step away from what we've done in the past – it just makes it that little bit awkward administratively because you've got the two rates.  
30 Because it's a per annum you have one week – as would be in this case, it would be one week one rate, one week at another. Purely administrative. Unfortunately, I didn't have the discussion with Mrs Smith prior to today, so it does come a little bit out of left field. If we don't get up this time we certainly will be asking for it next time: purely administrative. The meal allowances, as I said, we don't have any  
35 problem with date of effect, date of decision, it's just the per annum ones. If the Commission pleases.

THE DEPUTY PRESIDENT: Mrs Smith, do you have anything to say about that?

40 MS SMITH: Deputy President, the agency has handled the transition or the payments in the past. We see no reason to step away from what has been the practice in past years, but we are in your hands with it.

THE DEPUTY PRESIDENT: Yes. Well, consistent with past practice I propose to  
45 make the operative date from 29 June. However, I would urge the parties to have a look at this before the application comes again, because I am conscious of administrative difficulties, but for the moment we will stick with past custom and

practice. Having heard the parties I am satisfied that the application is consistent with the public interest requirements of the Act. The application is granted and the award will be varied operative from 29 June 2011. A formal decision to that effect will be issued very shortly. The commission stands adjourned, thank you.

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**MATTER ADJOURNED at 9.40 am INDEFINITELY**