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**AUSCRIPT**

## TRANSCRIPT OF PROCEEDINGS

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O/N 82914

### **TASMANIAN INDUSTRIAL COMMISSION**

### **DEPUTY PRESIDENT P.C. SHELLEY**

**T No 13159 of 2008**

**T No 13160 of 2008**

### **GENERAL CONDITIONS OF EMPLOYMENT AWARD**

### **COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) AWARD**

**Applications pursuant to the provisions of section 23(2)(b)  
of the Industrial Relations Act 1984 by the Community  
and Public Sector Union (State Public Services Federation  
Tasmania) Inc to vary the above awards re expense  
related allowances**

### **HOBART**

**10.30 AM, THURSDAY, 5 JUNE 2008**

**This transcript was prepared from tapes recorded  
by the Tasmanian Industrial Commission**

THE DEPUTY PRESIDENT: Okay, I'll take appearances, please.

MS C. SERRA: Good morning, Deputy President. I'm Cristina Serra from the  
Community and Public Sector Union (Tasmania Branch).

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THE DEPUTY PRESIDENT: Thank you.

MR P. AIKEN: Good morning, Deputy President, Peter Aiken, representing Health  
Services Union of Australia, Tasmania No. 1 Branch.

10

MR D. WISHART: Commissioner Shelley, Don Wishart from the Australian  
Education Union.

THE DEPUTY PRESIDENT: Thank you.

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MS J. FITTON: Jane Fitton, representing the Minister administering the State  
Service Act.

THE DEPUTY PRESIDENT: Okay. I take it that there's no objection to both these  
matters being heard together. No? Very good. Well, in that case we will hear from  
Ms Serra.

20

MS SERRA: Thank you. Which one would you like to start with first?

25

THE DEPUTY PRESIDENT: Well - - -

MS SERRA: I've done some calculations for five expense-related allowances.

THE DEPUTY PRESIDENT: So it was the 13159, the GCOE.

30

MS SERRA: Okay. In the district allowances?

THE DEPUTY PRESIDENT: Yes.

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MS SERRA: A similar type of situation as last year, Deputy President, in that we  
have followed the formula for - as T833 and the figures that we used were accessed  
from the CPI - the Australian Bureau of Statistics CPI figures, which were released  
on 23 April 2008. So we have increased the district allowances by the CPI of the  
eight capital cities and from last year it was 4.2416 per cent and at four decimal  
places. We also have increased the camp allowances for the GCOE and CAHSA as  
well.

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THE DEPUTY PRESIDENT: Okay. Now, what you filed with the Commission is  
to be replaced, was what was sent electronically, is that- - -

45

MS SERRA: There have been a few alterations, just in the - - -

THE DEPUTY PRESIDENT: Yes. Do you have a file agreed - - -

MS SERRA: Yes, I have one for you.

THE DEPUTY PRESIDENT: A set of figures to hand up.

5 MS SERRA: I have a copy here for you.

THE DEPUTY PRESIDENT: Thank you.

10 MS SERRA: The actual figures for the district allowance have not changed, but we have included the camp allowance. Originally the Public Sector Management Office did not think it applied, it was put in some other format, but apparently it does now, so we have included those figures as at this morning. And if it pleases you I'd like to, if I could, go through some of the expenses that something like Flinders Island has to bear and to warrant such an increase.

15 THE DEPUTY PRESIDENT: Okay. So with the camp allowance are you saying that it has not normally be increased through this process, is that- - -

20 MS SERRA: Philip called me a couple of – Philip Baker called me a couple of weeks ago and said, “No, it goes through the – I think it’s the wage fixing - - -

MS FITTON: I guess there was some previous confusion on this matter that the camp allowance had somehow been included with the wage-related expenses that get increased through the - - -

25 THE DEPUTY PRESIDENT: So that wage case.

MS FITTON: But that’s obviously not correct and the last time the camp allowance was increased with all the rest of the expense-related allowances in 2006, so they should be included in this as well.

30 THE DEPUTY PRESIDENT: Okay, thank you.

35 MS SERRA: Okay. Just to let you know some of the expenses on Flinders Island. Now, because the cost of petrol has gone up again some of these prices may be not as accurate as they should be. As at 9 May 2008 diesel was \$1.90 per litre, petrol \$1.86 per litre, milk on Flinders Island is \$2.50 a litre and two litres is \$5.35. And also looking at bread, just the normal sliced white at \$4.50. Air fares to Launceston were \$300 return and just as a matter of interest there is no postal delivery in Flinders  
40 Island, it’s private, so people have to drive to the Post Office to collect their mail every day. That’s just a little indication of the increasing expenses on remote locations. I think that’s it for me.

45 THE DEPUTY PRESIDENT: Okay, thank you. Mr Aiken, do you want to add anything?

MR AIKEN: Only just support for the application, Deputy President.

THE DEPUTY PRESIDENT: Thank you. Mr Wishart?

MR WISHART: Likewise, thank you.

5 THE DEPUTY PRESIDENT: Thank you.

MS FITTON: Mm, the only thing that I would say and I don't want to add more confusion to such a minor issue as the camping allowance, but I thought it was only relevant to the GCOE.

10

MS SERRA: I think it is in the Community Health and – I originally took - - -

THE DEPUTY PRESIDENT: Well, we are only dealing with GCOE at the moment.

15

MS FITTON: We are only dealing – okay.

THE DEPUTY PRESIDENT: So we can – as far as the GCOE is concerned, is supporting – it's a consent application?

20

MS FITTON: Mm, it is.

THE DEPUTY PRESIDENT: Thank you. Okay. Now, the CAHSA award.

25 MS SERRA: I'd be happy to represent the Community and Health sector, the CAHSA award in this instance, Deputy President.

THE DEPUTY PRESIDENT: Yes.

30 MS SERRA: And the exact same situation would apply as in the General Conditions of Employment Award. Originally I did leave the camp allowance out of the CAHSA and then on reviewing CAHSA I discovered that it is in there and therefore put it in. And I did see it somewhere.

35 MS FITTON: Could you again, just give me a reference?

MS SERRA: Mm, I'm just trying to find it.

MS FITTON: I just didn't think it was that.

40

MS SERRA: First of all I left it out and then I thought, "No, there it is," and I put it back in.

45 MS FITTON: Christina, in your initial – sorry, for interrupting you, but in your initial application, you did actually only have camping allowance in the GCOE though.

MS SERRA: Mm, I did. And then I looked at it again, I thought, “No, it is in CAHSA,” so forgive me if I’m wrong - - -

MS FITTON: Mm, that’s fine.

5

MS SERRA: - - - but I’m almost certain that I – it appears that I am wrong. I apologise, I can’t find it. I may have been looking at the GCOE at the time.

10 THE DEPUTY PRESIDENT: Okay. Now, in the application there is one set of figures and they were superseded by another document that was sent electronically, So are those the correct and agreed figures?

MS SERRA: The last ones are the correct and agreed figures, except for the camp allowance, which should not be in CAHSA.

15

THE DEPUTY PRESIDENT: I’m still a little bit unsure. What you handed up for the GCOE was just related to the camp allowance and the district allowance, okay?

MS SERRA: Mm.

20

THE DEPUTY PRESIDENT: What was in the application also related to meal allowances and - - -

25 MS SERRA: I’ve got five separate formulas. I tried to keep them separate to have it in some sort of consistent order otherwise it would be just too confusing.

30 THE DEPUTY PRESIDENT: Okay. So what we have done is jump from award to award even though you hadn’t obviously completed your submissions in relation to the GCOE award, is that - - -

MS SERRA: That’s correct.

THE DEPUTY PRESIDENT: Okay.

35 MS SERRA: Would you prefer - - -

THE DEPUTY PRESIDENT: Well, however you want to do, it’s - - -

40 MS SERRA: If you would prefer to go GCOE and then – because what is - pretty much apart from that camp allowance, what is the same for GCOE, is exactly the same for CAHSA.

THE DEPUTY PRESIDENT: You just deal with it in any order that you wish.

45 MS SERRA: Thank you. I need that. Okay. So we are okay with the - - -

THE DEPUTY PRESIDENT: So the camp allowance does not apply to CAHSA, we are agreed on that, we think. Yes.

MS SERRA: Yes.

MS FITTON: I'm pretty sure.

5 MS SERRA: Unless it's hiding somewhere else in CAHSA. Would you like to go onto the kilometre adjustments?

THE DEPUTY PRESIDENT: Yes.

10 MS SERRA: Now, we have used also the Hobart Private motoring subgroup index and also accessed the ABS figures, the CPI, from 23 April 2008 and used those figures. The formula is from T3385 and we believe that the formula has pretty much stayed the same since 1985 and I've just copied the formula to appropriate the  
15 have another section on page 2 of the – in addition the following allowances shall be paid to employees.

Both the Public Sector Management Office and the Community Sector Union have agreed to leave that out at this stage, because (1) there was no set formula and I  
20 actually sort of made one up, used the capital cities figure, but we are not sure whether it's still applicable or whether there is anybody actually using that, so we'd prefer to have a bit more time to investigate whether (1) we actually need it, and in the absence of any formula that we could find, well maybe that's something that we need to look at a later stage.

25 THE DEPUTY PRESIDENT: Okay. Perhaps you can provide to my associate following this hearing a final document set out as the proper draft variation of the award.

30 MS SERRA: I think I sent something last night and – yes, I sent something last night with the final figures.

THE DEPUTY PRESIDENT: Yes. You have, but it's not actually – but it's not set out as a draft order.

35 MS SERRA: Sorry?

THE DEPUTY PRESIDENT: Well, it's got – there was something that was sent through last night and it's got old and existing figures, new figures, etcetera, etcetera  
40 and it's not actually – you can – what we will do, if I can ask you to discuss it with my associate and she will tell you what it is that we require.

MS SERRA: Okay.

45 THE DEPUTY PRESIDENT: Okay.

MS SERRA: Certainly. Okay.

THE DEPUTY PRESIDENT: Yes. But at the moment what you've done is you have put in documents showing the old figures, the new figures and the formula and so on. I just want to make sure that we've got an agreed draft order before the award is varied.

5

MS SERRA: Did you not get page 2? I think page 2 had the figures, the complete figures of – but I'm happy to go through with your associate to - - -

10 THE DEPUTY PRESIDENT: Yes. I mean, it's not so much the figures, it's the way it's laid out.

MS SERRA: Okay. Fine. It was quite a tough formula to work out.

15 THE DEPUTY PRESIDENT: Yes.

MS SERRA: That's okay that one. And the same applies to CAHSA.

THE DEPUTY PRESIDENT: Yes.

20 MS SERRA: Moving on, we've got the travel and travelling allowances. This is the accommodation rates and this is also based on T833 of 1987 and it was last updated in T12766 of 2006 and the operative date was 30 August '06. Now we believe – that's right – so I had the old rates on page 1, what they were and on page 2, the new rates.

25

THE DEPUTY PRESIDENT: So that's 97.90 within Tasmania? There was some discussions a year or two ago about the fact that it doesn't really bear much relationship to what it actually costs - - -

30 MS FITTON: I can make some comment in that, in that we are currently in negotiations to amend this travelling allowance clause with the Public Sector Unions and it's sort of forming part of our whole negotiation process for the current PSUWA.

35 MS SERRA: But we thought at this stage it was necessary to put through an increase and just while things were pending.

THE DEPUTY PRESIDENT: Okay.

40 MS SERRA: Because the rates do not - - -

THE DEPUTY PRESIDENT: No. All right.

45 MS SERRA: Okay. Now, there is also the training and conference allowance and that applies to the GCOE and CAHSA and that is also based on T833 of 1987 of the Tasmanian Industrial Commission. Last updated on T12766 of 2006, operative date 30 August '06 and we've used the weighted average of the eight capital cities and

that rate was approximately 6.780, I believe. Jane's put eight and I've put seven,  
so - - -

MS FITTON: It didn't make a difference to the outcome.

5

MS SERRA: I don't think it does. And I have rounded to the nearest – well, not to the nearest cent, but to the nearest logical placement. And the final one I believe is the meal allowance. This also is pending with the Public Sector Management Office as well.

10

THE DEPUTY PRESIDENT: Yes.

MS SERRA: So the increases are also 6.7 per cent and formula based on T833 of '87 and last updated on T12766 of 2006.

15

THE DEPUTY PRESIDENT: Okay. And operative date?

MS SERRA: I guess, the first pay period - - -

20

THE DEPUTY PRESIDENT: On or after today's date?

MS SERRA: - - - on or after today's date.

THE DEPUTY PRESIDENT: Mr Aiken?

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MR AIKEN: Nothing to offer, just support, Deputy President.

THE DEPUTY PRESIDENT: Thank you. Mr Wishart?

30

MR WISHART: Yes, we support the application and we look forward to the negotiations to be finalised so these rates can be made a bit more realistic, but also request that if it's appropriate by the Commission that an upgrade of the documents - I'm working on quite old ones too, I think.

35

MS SERRA: I can signify that to your Honour.

THE DEPUTY PRESIDENT: Thank you. Ms Fitton?

40

MS FITTON: Yes, I can confirm that we consent to this application and we have checked and agreed with the final figures that have been set, so I guess the final order. We consider they are in accordance – the increases are in accordance with the wage fixing principles and are consistent with the public interest test and agree that the operative date would be the first full pay period on or after today's decision. Thank you.

45

THE DEPUTY PRESIDENT: Okay. Well, I indicate to the parties that the awards will be varied in the manner sought and a decision will be issued in due course and subject to checking the final figures in the draft order. The matter is adjourned.

MS SERRA: Thank you.

**MATTER ADJOURNED at 11.00 am INDEFINITELY**