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TRANSCRIPT OF PROCEEDINGS

O/N 2023

TASMANIAN INDUSTRIAL COMMISSION

**PRESIDENT P.L. LEARY
DEPUTY PRESIDENT P.C. SHELLEY
COMMISSIONER T.J. ABEY**

T No 12163 of 2005

WAGE FIXING PRINCIPLES

**Application pursuant to the provisions
of section 23(2)(b) of the Industrial
Relations Act 1984 lodged by the
Australian Workers Union, Tasmanian
Branch to review the Wage Fixing Principles**

HOBART

2.15 PM, THURSDAY, 18 AUGUST 2005

HEARING COMMENCED

[2.20pm]

PN1

MR S. COCKER: I appear for the Tasmanian Trades and Labor Council.

PN2

MR T. KLEYN: I represent the Health Services Union of Australia, Tasmania Number 1 Branch.

PN3

MR R. FLANAGAN: I appear for the Australian Workers Union, Tasmania Branch.

PN4

MR J. EVANS: I am intervening on behalf of the Minister for Justice and Industrial Relations pursuant to section 27 of the Act, and appearing for the Minister Administering the State Services Act.

PN5

MR M. WATSON: I appear on behalf of the Tasmanian Chamber of Commerce and Industry. With me is MS A. MILLHOUSE.

PN6

MR W. FITZGERALD: I appear on behalf of Australian Metals and Mines Association Incorporated.

PN7

MR D. PYRKE: I appear on behalf of the Association of Professional Engineers, Scientists and Managers Australia.

PN8

MR I. PATTERSON: I appear for the Australian Municipal, Administrative, Clerical and Services Union.

PN9

MR EVANS: If the Commission pleases, I rise to my feet again to apologise to the Bench. I neglected to inform the Bench that I am appearing with my colleague, MR P. BAKER.

PN10

THE PRESIDENT: Thank you, we will note that. I don't think there is any need to seek leave to intervene because we have called back on the State wage case proceedings in which you were a party anyway. So we won't have to argue whether you can stay or not. That is good news. All right. This matter has been listed following our decision in the State wage case for our review of the wage fixing principles, and we posed a number of questions to you. I guess today is mainly to find out the position of the parties and how far we can go today, and how we deal with these in the future. Who would like to go first? Mr Cocker is being volunteered, I can see.

PN11

MR COCKER: If the Commission pleases, the President has asked us to deal with five questions. If I can just find my notes. These go essentially to the core of how wage fixing should be conducted in the future in the Tasmanian jurisdiction. I would like to make a number of observations about that issue. Firstly of course, we don't know at the moment what the future of industrial relations and so on is going to be in Australia.

PN12

THE PRESIDENT: I don't think any of us know that at this stage.

PN13

MR COCKER: It is quite clear that the Commonwealth Government has radical surgery in mind. Whether it will succeed remains to be seen. It is indeed in apparent quandary itself as to how to proceed. It has faced a number of difficulties doing what it wants to do, and once it has got past that point it will still need to get past the High Court of Australia. So it is going to be some time I think before the Federal system is known to us, and therefore what remains of the Tasmanian jurisdiction.

PN14

Of course, the Tasmanian jurisdiction doesn't operate in isolation from the Australian economy, and it has been a pattern over a long period of time that the wage fixing processes in Tasmania have been similar, if not the same, but similar to other jurisdictions. I think it is safe to say that in future it is unlikely that there is going to be harmony between the Federal and State jurisdictions as there has been in the past.

PN15

It is quite clear that the policy direction of the Government is towards the primacy of individual agreements, that they wish to create a system where an individual deals directly with the employer and the collective agreements such as this will remain, will be made more difficult and are not a preferred method of operation. The State Act of course still does see collective representation, organised labour, organised capital and a civilised process of dealing with industrial problems, and it is quite clear to us that a civilised system of resolving disputes and with an independent umpire is a preferred method of operating.

PN16

To be able to do that, we would say that it is necessary to have an understanding as to how the system works, and it is our view that that is the role that wage fixing principles play in the process. The alternative process, and perhaps one that the Federal Government might prefer, is the law of the jungle, where people take what they can get out of a system, where we have industrial disharmony. At the moment, there is a good argument that that operates in favour of

organised labour and the labour force generally, given the shortage of skilled labour in a number of places.

PN17

But of course those things wax and wane, and shouldn't be something that we rely on. The current set of wage fixing principles as we see them probably have their roots in a different time; a time when organised labour and Government were in accord, a time when organised labour saw the need for a change in Australia and was prepared to moderate its wage demands to enable that change to occur. There is not too much doubt amongst those who know that the process of the accords and that period of wage restraint has delivered a significant contribution towards Australia's current prosperity.

PN18

But that time has gone. We have a Government that does not want to work in accord with organised labour, and in fact has given itself Draconian powers to deal with organised labour and to repress it. So we can't look to that system any longer. Where the wage fixing principles have come from, that process, to that extent they are no longer relevant. The acceptance of work value and safety nets etcetera that relate to that system is something that needs to be reviewed in the light of the current environment.

PN19

THE PRESIDENT: I guess the thinking of the Commission in broad terms - and my crystal ball is pretty well fogged up at the moment, so I have no idea what the future holds - but irrespective of whether there was going to be a change or not, the thinking that we have is, do we continue to adopt the principles that apply Federally or do we start to look at something that is - not peculiar - specific to the Tasmanian workforce? We are looking at a very general approach, and that is the sort of thing that we wanted to exercise, or wanted you people to exercise your minds at.

PN20

MR COCKER: Yes. I guess the short answer then is yes, we do. Although it is very difficult to do that now while the Commonwealth change is in process, and indeed there is some State change flagged. Once those things become clear then it will be necessary to look at the Tasmanian jurisdiction and come up with principles that suit what we have got.

PN21

THE PRESIDENT: Because if you look at some of the experts who are predicting what may or may not happen, they are talking in terms of two to three years. Well, a lot could happen here in that time. So do we look at something that accommodates our needs or do we just sit back and continue to adopt the Federal - not that I am criticising the Federal principles at all - but do we just continue to use those, or do we be a little innovative perhaps and look at something that is more appropriate for our people here? And that - I mean, I don't want

an answer straightaway. That is something that we want people to think about, and that is basically one of the reasons why we have raised it.

PN22

MR COCKER: I guess our response is yes, that is a process we need to get into.

PN23

THE PRESIDENT: Yes, but I think what you are saying is that maybe you are not ready to put something to us just yet?

PN24

MR COCKER: Well, that is right, primarily because we don't know what we are dealing with.

PN25

THE PRESIDENT: Yes.

PN26

MR COCKER: I mean, the bulk of the State system could be the State Public Service plus the Catholic Church plus lawyers.

PN27

THE PRESIDENT: That is an unholy alliance.

PN28

MR COCKER: Indeed. I mean, if the Commonwealth gets its evil way, that is what we are talking about.

PN29

THE PRESIDENT: I mean, the difficulty that we have got is that we have got to live with what we have got now. We can't pre-empt and just sit stagnant waiting for something to happen. Do we be proactive and start doing something now under the current system, or do we sit back and just continue on the way we are under the old system or the inherited system and not do anything? And we are throwing it open to you. We have opened the debate. We want to hear the debate now.

PN30

MR COCKER: Yes. Well, as you say, I don't think we are in a position to put forward a proposition. We are willing and able to participate in a debate.

PN31

THE PRESIDENT: You have an open mind?

PN32

MR COCKER: We have an open mind.

PN33

THE PRESIDENT: Good.

PN34

MR COCKER: We agree that the principles need attention. We are not sure that it is possible to do that right now. It is clear to us that whatever happens, there is not going to be a Federal pay case in the same timing next year.

PN35

THE PRESIDENT: That seems to be the case, but we just don't know.

PN36

MR COCKER: Agreed, we don't.

PN37

THE PRESIDENT: Yes.

PN38

MR COCKER: And if that is going to be the case, then it will be up to us to proceed in a different manner to what we have, seeking flow-ons of Federal cases.

PN39

THE PRESIDENT: So maintaining a - - -

PN40

MR COCKER: It will be unions view that we won't sit stagnant and allow wages to fall away.

PN41

THE PRESIDENT: No. So you are talking about maintaining a 12-month State wage case or general increase, that sort of approach?

PN42

MR COCKER: Yes.

PN43

THE PRESIDENT: Not relying on anything happening Federally.

PN44

MR COCKER: I think that is right, yes.

PN45

THE PRESIDENT: Yes, okay.

PN46

MR COCKER: I guess the other issue that we wanted to address was perhaps the one that has fired this up in the first place, and that is the issue of award safety nets and enterprise awards and so on. And to answer one of your questions, I think yes, there is a level of contradiction when you are talking about an enterprise bargaining system, safety nets and wage fixing, because enterprise bargaining has delivered wage rises in its own right, probably way in excess of what the other systems deliver. But at the same time, enterprise bargaining is available to organised workplaces where the employer

can be convinced or is otherwise willing to participate in an agreement process.

PN47

THE PRESIDENT: Sure.

PN48

MR COCKER: And if that is not the case, then we still have a problem. We think that principle 4 does go some way towards addressing that particular issue. It talks about award safety nets being reviewed and adjusted from time to time to ensure relevance, and quite certainly if we have reached a position where wages and conditions have been set by certified agreement and that option is no longer available for whatever reason, the award ceases to be relevant if it is a long way behind where the certified agreement process is.

PN49

But the issue I guess as we see it is at the moment, principle 4 talks about "the award safety net", and in fact I think it is quite arguable that there is more than one, particularly where we are talking in a situation where an enterprise award exists, then that is the award safety net in itself, not relying on anything else. Clearly in terms of that principle where that enterprise award needs to be made relevant, then it should be reviewed and adjusted from time to time.

PN50

THE PRESIDENT: Well, that calls in the question of paid rates awards as opposed to minimum rates awards, and safety net awards as opposed to enterprise awards. So there is a bit of a contradiction, or maybe a conflict - - -

PN51

MR COCKER: A complexity.

PN52

THE PRESIDENT: Yes, there.

PN53

MR COCKER: Our proposition at the moment is a fairly simple one, and that is that the word "the" in the second paragraph should be replaced by the word "an" to make it clear that we are not talking about an individual safety net applying in all cases, but to make it clear that there may be more - or that there are more than one safety net type awards. And where that adjustment needs to be made, it can be done on an individual basis.

PN54

COMMISSIONER ABEY: Sorry, that was in the second paragraph before "award", is it?

PN55

MR COCKER: Yes.

PN56

THE PRESIDENT: So instead of "the award" it becomes "an award".

PN57

MR COCKER: An award. It isn't a dramatic change, but we feel that it is a sort of descriptive change. It makes it a little more clear. And finally, should there be any wage fixing principles, well, as I have partially answered, our answer is yes. We would much prefer a civilised process of wage fixing with an independent umpire than the market free-for-all alternative. If the Commission pleases.

PN58

THE PRESIDENT: Okay. All right, thank you. Mr Kleyn, did you wish to add anything?

PN59

MR KLEYN: Just a few points, President. Just in support of the position put forward by Mr Cocker, we clearly support the idea of just that minor amendment. But clearly, if - given the uncertainty, if we are going to develop wage fixing principles for Tasmania specifically, then it is our view as well that we are going to have a look at some of these. I mean, if there is not going to be arbitrated safety nets into the future then the - it becomes very critical that the awards become a real safety net. And if there isn't a national wage case as such, then we are going to have to look at other ways of ensuring that safety net exists. Things like, you know, principle 5, the arbitrated safety net and form of orders, principle 6, etcetera may well be obsolete in the new environment.

PN60

THE PRESIDENT: Yes.

PN61

MR KLEYN: But generally speaking, we are very supportive of any discussions - - -

PN62

THE PRESIDENT: Good.

PN63

MR KLEYN: - - - that may lead to something more positive. Thank you.

PN64

THE PRESIDENT: Thank you. Mr Flanagan?

PN65

MR FLANAGAN: Thank you, President. President, the AWU supports the spirit and intent of what has been put by Mr Cocker. We believe that in the short term, the proposal which has been advanced by Mr Cocker - that is, in paragraph 2 of principle 4 delete the word "the" and insert the word "an" - represents an opportunity, in the

context of the uncertain environment that we are currently in, an opportunity for applications to be made on a case-by-case basis to ensure in the short term that awards remain relevant.

PN66

So what we would propose is that - the position was only endorsed or adopted, if you like, by the Tasmanian Trades and Labor Council this morning. So obviously there has been only very limited opportunity for discussions with the employer organisations and the State Government. So in our view, the appropriate way forward would be for the matter to be adjourned to allow those discussions to take place, with a report-back date identified so that we can come back to the Commission and inform it of where those discussions have taken us.

PN67

In our view, the scope of those discussion should be around the issue identified by the Tasmanian Trades and Labor Council. That is, there is some uncertainty out there at the moment with both Federal and State legislative regimes possibly being subject to alteration; that that is an issue that ought to be discussed between all of the parties; that the questions raised by the Commission specifically should be the subject of discussions, and, that the short-term proposal should also form part of those discussions.

PN68

Ultimately, it would be hoped given the history of the Tasmanian jurisdiction that the employers and representatives of the Government would see the very reasonable proposition put by unions - well, the Tasmanian Trades and Labor Council - is something which they could consent to. However, if that is not the position, then we would reserve the right to pursue whatever review we consider is appropriate if we can't reach a consent position. If it pleases the Commission.

PN69

THE PRESIDENT: All right, thank you. Mr Patterson, did you wish to add something?

PN70

MR PATTERSON: Very briefly. I mean, I think there will be more than just a few lawyers in this Commission, and if - unless the jurisdiction is handed over, we have a lot of members in small community organisations that are not for profit, not trading and not companies. We have members in small workplaces where the employer is a sole trader or a partnership that wouldn't fall within the Federal jurisdiction as we understand the plan to be. Certainly it will be a different Commission.

PN71

I don't want to be seen as arguing at any way at odds with the submissions of Mr Cocker and Mr Flanagan and Mr Kleyn, but I

think it is desirable that the proceedings happen in the Commission rather than the parties being left to go and do it somewhere else and just report-back. I think the history of this Commission, when we reviewed the structure and format of wages, when we reviewed the application of the simplification of the parental leave clause, produced a good outcome, and that was under the guidance of the Commission.

PN72

I think that is a worthwhile way to go. I think that ultimately what we are talking about is what is going to be the shape of the application for next year's wage case. I think that really sets our timeframe, and our discussions should be to cover as much ground in the context of applying at the time to be able to - for Unions Tasmania to be able to make that application in the best interests of Tasmanian workers. We also as a union have that split function, if you like.

PN73

Half of our membership is in Local Government and already in the Federal Commission. Half of our membership is in this Commission, and a large part of the membership that is in this Commission doesn't have strong, collective bargaining power and will always depend on - so long as it is there - will be dependent on the outcomes that come through a safety net approach. At a personal level I have got a concern that we are nowhere near ready to say what sort of wage fixing principle in general we want. It might be time to go back to CPI adjustments or something like that.

PN74

We certainly in some areas and some occupations where there is skill, need and bargaining capacity, the market ruling is fair enough and produces good outcomes for organised workers. It doesn't work everywhere, and there are a lot of people who haven't gained from collective bargaining at all, and I think that is the value and the need for a form of wage fixing principles - fundamentally is to provide that security to those people. If the Commission pleases.

PN75

THE PRESIDENT: I understand. Mr Pyrke?

PN76

MR PYRKE: Yes. Deputy President, President, Members of the Full Bench, I certainly support what has been put to you by my union colleagues today. The only observation that I would seek to add would be that even professional people who in some cases do have good bargaining power find that their colleagues in other workplaces don't have that, either individually or collectively. So the proposition that has been put to you that the principles should continue, is certainly supported by my organisation. If the Commission pleases.

PN77

THE PRESIDENT: Well, they will certainly continue until something changes, if there is any change. All right, that is all the unions. Mr Watson?

PN78

MR WATSON: Thank you, President. There is a few of us here who have actually survived the last review of the principles, so I guess we might survive another round.

PN79

THE PRESIDENT: Well, let us hope we all do.

PN80

MR WATSON: Yes. Having said that, at this stage we don't actually intend to address you on those six questions that you asked in the State wage case decision. I say that on the basis that first of all, there have been some very brief discussions between the parties since the State wage case, but obviously because Unions Tas only met today, we haven't had the chance to have any further detailed discussions. We obviously are aware of the proposal that is put to you today about putting the word "an" in place of "the", so we will obviously need to consider that as well.

PN81

We are happy to participate in some discussions with the parties, including the union movement and the Government, about whether or not the principles are relevant and all those questions that you have asked. I would suggest at this stage that we would be looking to see what agreement could be reached between the parties and then come back to the Commission if required for any bits that need to be arbitrated. That is where we would see it going at this stage. So at this point, President, that is all I intend to say, and I guess we are happy to participate in discussions after this hearing and report-back on the next occasion.

PN82

THE PRESIDENT: Thank you. Mr FitzGerald?

PN83

MR EVANS: Thank you, Madam President.

PN84

THE PRESIDENT: Sorry, Mr Evans.

PN85

MR FITZGERALD: I will be very brief, if you want to - - -

PN86

MR EVANS: Snuck up behind me.

PN87

MR FITZGERALD: - - - take pole position.

PN88

THE PRESIDENT: I have got something I specifically wanted to say to you, that is why I was saving you up.

PN89

MR FITZGERALD: Thank you, Members of the Full Bench, but - no, I would support the submissions made by Mr Watson, and certainly my association remains prepared to participate in those discussions and report-back as indicated by Mr Watson.

PN90

THE PRESIDENT: Right. I mean, it doesn't necessarily mean that there will be a change. We have just opened up the debate. We can see some issues that we may need to discuss, but we have an open mind on it and hopefully everybody else does at this stage. So we are not locked into anything except a process of review. Mr Evans?

PN91

MR EVANS: Thank you, Madam President. President, Members of the Bench, look, I don't think that there is any doubt that once the industrial landscape Federally becomes much clearer, we need to sit down and determine exactly what it is we believe that is required in our own jurisdiction. I don't think anyone could argue against that, and that will occur when that time is right. Certainly it is our view at this point in time that the State wage fixing principles, as they currently are, are relevant. We have no issue with the principles. We don't believe there are any contradictions contained within them and we believe that they simply should be retained as they are at this point in time.

PN92

I just wonder whether - given the discussion, or the positions that have been put to the Bench in relation to how this matter ought to be proceeded with, given that the AWU application in relation to the review of the principles, specifically the principle dealing with enterprise bargaining, was joined with the State wage case, whether it is appropriate that the State wage case because of that be left open, as it were - I wonder and pose the question to the Bench, I guess, whether it might not be more appropriate to disjoin, if that is the correct way of expressing it, that particular application from the State wage case so that it can be closed off, because clearly it has been in a large part dealt with.

PN93

And either that matter be adjourned, or the applications that are currently before the Bench be closed and the parties can make fresh applications in relation to whatever it is they perceive needs to be done. In relation to the specific point that was put to the Bench by Mr Flanagan this afternoon, whilst on the face of it, it appears fairly straightforward and very simple, I think, like the TCCI, we would like to go away and reflect on that and determine exactly what effect

it will have in relation to the wage fixing principles pursuant to enterprise bargaining.

PN94

So certainly in relation to that particular amendment suggested by both Mr Cocker and Mr Flanagan, the Government isn't prepared to advance a position as to whether it is appropriate or not. Very briefly, our view is that - well, I was prepared to very briefly address your questions, but I think it is sufficient to say that we do believe the principles as they currently are ought to remain and they are relevant, and indeed there has always been the scope for individual jurisdiction's principles to reflect the specific requirements of that jurisdiction.

PN95

And they are not just - whilst they may be in large part - reflective, they are not just a blind mirror of the Federal principles. So with that in mind, I think they are entirely appropriate to see us through until such time as the landscape is clearer and everyone can sit down and make application in terms of exactly what changes ought to be made to the principles because of that clarification. If the Commission pleases.

PN96

THE PRESIDENT: Don't sit down.

PN97

MR EVANS: I was anticipating not to.

PN98

THE PRESIDENT: In light of the process ahead - we are talking about award safety nets and I have some difficulty - and I don't know whether anybody else does - I am not comfortable whether - some of our awards are paid rates awards, some are minimum rates awards - whether they are safety net awards, but I do notice in a lot of the public service awards, perhaps in all of them, they haven't been varied for State wage case decisions for a number of years. Is there any reason why they can't be, or is there any reason why they haven't been that you know of?

PN99

MR EVANS: Well, thank you for that last part, Madam President. No. Look, I am not in a position to answer you authoritatively in relation to that. I would hazard a guess that it has simply been perceived that because of the agreement-making process, there has been no need to do so.

PN100

THE PRESIDENT: Well, that makes a farce of a safety net principle, doesn't it?

PN101

MR EVANS: Yes, I understand what you are saying.

PN102

THE PRESIDENT: Yes. I mean, if we are going to have a true safety - a system of safety net awards, it means all awards, it doesn't just mean private sector awards, and maybe that is a starting point as far as the public sector - I mean, this was highlighted when we were dealing with prison officers the other day. The salary, or the rates of pay in the award were - not only were they lower than the alleged parity argument, they were lower than most other awards.

PN103

MR EVANS: Indeed.

PN104

THE PRESIDENT: So it creates those sorts of issues, but the principle is that if you are having a system of safety net awards, you have a system of safety net awards; you don't have some that are varied and others that aren't.

PN105

MR EVANS: Yes. I take your point, President, and it may indeed be that there was some more informative and authoritative comment made in relation to that view that was expressed at the custodial officers proceedings the other day that I am actually not aware of.

PN106

THE PRESIDENT: Could be.

PN107

MR EVANS: If the Commission pleases.

PN108

THE PRESIDENT: But could I ask you just to pursue that?

PN109

MR EVANS: Certainly.

PN110

THE PRESIDENT: I mean, the Commission can act on its own motion if necessary, but I wouldn't do that without having some discussion with you as to if that can be done, and if it can't, why not? I mean, how do we get around this predicament of claiming to have safety net awards when in fact in some areas we don't?

PN111

MR EVANS: Certainly I will take that question on board, Madam President. In terms of responding or replying to the Commission, is there a - - -

PN112

THE PRESIDENT: Telephone will do.

PN113

MR EVANS: Okay.

PN114

THE PRESIDENT: All right.

PN115

MR EVANS: If the Commission pleases.

PN116

THE PRESIDENT: Thank you. All right. Do any of the unions want to make any response to what has been put?

PN117

MR FLANAGAN: Perhaps given that it is our application, or partly, President, Members of the Bench, I think there has been a proposition put that, well, perhaps this matter should simply be concluded and the parties have the capacity, following discussions, to make a separate application for a review of the wage fixing principles. The AWU would oppose that course of action. The Commission last reviewed the wage fixing principles in T8413 of 1999, and on that occasion they dealt with the immediate issue of the safety net adjustment and adjourned those proceedings for a substantive review of the wage fixing principles.

PN118

We believe that that previous approach is one that the Commission should follow on this occasion, that there is in fact no need for separate application. In fact, if that was the course adopted by the Commission, given the drain on the resources of the industrial parties generally at the moment, what that may ensure is that there is no review at all. In the alternative, we would propose that the Commission ought list a date today for a report-back following those discussions, and that those discussions should take place sooner rather than later.

PN119

As a part of those discussions, I think you have raised two very important issues. One is the nature of awards in this Commission. That is, whether they are paid or minimum rates awards. My recollection, President and Members of the Bench, is that this Commission in fact has considered that question and it was determined that private sector awards were in fact minimum rates awards, as is the case in most State jurisdictions, and they are not of a paid rates nature. But that is something that the parties ought also discuss.

PN120

The other issue that you have raised in the context of the public sector is, are a group of workers - are you right? The second question that you have raised is: what happens where you have a group of workers whose awards have not been varied over a period of time to reflect safety net adjustments? We say the question is in fact more significant than that. What we would say is the question is: what

happens to a group of workers who have been able for a period of time to negotiate with their employer conditions and rates of pay?

PN121

What happens to their award in that circumstance, particularly in a circumstance such as the custodial officers, where despite perhaps - if that was the case - being able to have agreements for a number of years there comes a point in time, for whatever reason, that bargaining is no longer a mechanism which can lead to an outcome that everyone can live with? So that is a broader question.

PN122

THE PRESIDENT: Well, the safety net award is also relevant to the no disadvantage test.

PN123

MR FLANAGAN: Yes.

PN124

THE PRESIDENT: And those that haven't been varied - some I think go back to '91 - would have no trouble passing a no disadvantage test, but is that fair?

PN125

MR FLANAGAN: And I think what that calls into question is that - and needs to be the subject of discussion - is: what is meant by the term "relevant safety net"? If you have a workforce which has successfully bargained for five or ten years but no longer can, what should occur in that situation? So we think that is also something that should be discussed, in the context of the legislative framework of the Industrial Relations Act 1984, which is clearly a framework based around conciliation and arbitration rather than industrial warfare promoted by the Federal jurisdiction. So we think that should form part of the discussions that take place for a report-back to this Commission in a reasonably expedient timeframe. If it pleases the Commission.

PN126

THE PRESIDENT: Thank you. Anybody else want to add anything? All right, what we propose to do is to direct the parties to confer in light of the questions that we have posed. If there requires to be any administrative matters to be dealt with as to applications, we will address those in due course. We are proposing a report-back on the afternoon of 13 October, subject to our availability - and we are just checking that.

PN127

What we would be asking for then is the usual formal report-back, and if necessary and appropriate, the Bench is happy to act in a conciliation mode and talk with the parties and work our way through any issues that may arise. We don't expect you to come back on that date with an agreed position. Well, we would be surprised if you did.

But certainly we are happy to exercise conciliation in the process to see whether we can come up with some proposals.

PN128

And if anybody else during the course of the discussions has any other questions about wage fixing principles that they want to raise, they should also be discussed and raised with us on that day, if that is the day. We can't confirm the date, but we will by the end of this week. All right, thank you. This matter is adjourned and we will advise you formally of the date of a report-back.

ADJOURNED INDEFINITELY

[2.55pm]