

COMMISSIONER: I'll take appearances please.

MR T. HARDING: HARDING T., appearing on behalf of the AMWU.

COMMISSIONER: Thank you.

5 **MS J. THOMAS:** JENNY THOMAS for the Tasmanian Chamber of Commerce and Industry.

COMMISSIONER: Thanks Ms Thomas. Right, where do we go from here?

10 MR HARDING: This is a toss-up, sir. I've just been lumbered with this and I believe Ms Thomas would be much more aware of it than I am. But, basically, it's the third minimum rates adjustment, and as I understand it's an agreed document, and that's as much as I know about it, I'm afraid to say. Ms Thomas might know a little bit more.

COMMISSIONER: You know more than I do about it, it's the fourth minimum rates adjustment, anyway isn't it?

15 MR HARDING: Fourth, is it Jenny?

COMMISSIONER: That's what you've applied for anyway. Have we got any draft order, or anything?

MR HARDING: Well, if you could bear with me while I race next door, I might be able to get it.

20 MS THOMAS: It's attached to that letter.

MR HARDING: Is it? I must apologise, Mr Commissioner, I've just been rung to come and attend to this and Mr Walsh was to handle it, but he's been stranded next door, as I understand.

25 COMMISSIONER: Well, it's always the risk you take when you send one messenger along to two hearings. Right, we'll mark this exhibit **H.1.**

MR HARDING: Now the understanding I've been given on this, sir, is that they are the rates that are to apply, and apparently it is the third and fourth, would that be correct? The third -

30 COMMISSIONER: Well, I think you might find that there's a mixture.

MR HARDING: Yes, I'm looking at this document now, it talks about the third and the fourth.

35 COMMISSIONER: In which case, you're going to have to amend your application, because the application just says, the fourth minimum rates adjustment for classification C1-4.

MR HARDING: C1 to C4, inclusive.

COMMISSIONER: Now, is that what exhibit H.1 does? Fourth MRA for that?

MR HARDING: I'm assuming it does, I've not been dealing with it.

5 MS THOMAS: Mr Commissioner, could we go off the record briefly, and just look at exactly where we are at, I admit I'm a bit confused now.

COMMISSIONER: Right

OFF RECORD

10 **ON RECORD**

COMMISSIONER: Now, Mr Harding, I understand this application is for the fourth MRA, and you've tendered a document, and that's exhibit H.1, and it seems as though it does reflect in the total weekly wage rate anyway, the fourth MRA. However, I notice the relativities in
15 the base rate column, and the relativities for the supplementary payment column A, do not gel, and therefore they'll be a need for you to re-jig the draft order to make sure that the appropriate relativities, or the dollars, reflect the appropriate relativities, even though the total rate might be right. So, when do you think you might be able to give
20 me a draft order with those changes?

MR HARDING: Yes, sir, I apologise for the draft orders before you today not reflecting the fourth MRA, they reflect in the top there as a third, which is incorrect. The columns are also incorrect. The total rate is correct as I understand, and we will commit to have a new draft
25 order to the commission by close of business on Wednesday, whatever the date is tomorrow, therefore we believe that this could be acceptable to the parties. If the commission pleases.

COMMISSIONER: Good, so you've got an agreement with the employer that the award be varied in the manner sought?

30 MR HARDING: Yes, sir.

COMMISSIONER: In terms of total rate, anyway?

MR HARDING: The total rate will be varied, but I will make sure that there is a copy of the new draft to the employer, and also to the commission by close of business tomorrow.

35 COMMISSIONER: And the operative date?

MR HARDING: Pay period beginning on or after today.

COMMISSIONER: Good, right. Ms Thomas?

MS THOMAS: Yes, thank you for that adjournment Mr
Commissioner. Yes, we consent to this matter, operative from the first
full pay period to commence on or after today's date, provided that the
draft order is forwarded to you tomorrow, as undertaken by Mr
5 Harding, otherwise the operative date should be as that determined by
the commission, if it pleases.

COMMISSIONER: Good, right, well thank you . This matter is now
concluded, and I'll await the draft order, thank you.

HEARING CONCLUDED