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## TRANSCRIPT OF PROCEEDINGS

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O/N 1934

### TASMANIAN INDUSTRIAL COMMISSION

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

**T No 12144 of 2005**

**T No 12156 of 2005**

**T No 12157 of 2005**

**T No 12163 of 2005**

### ALL PRIVATE SECTOR AWARDS

**Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 by the Tasmanian Trades and Labor Council to vary all private sector awards re: (i) increase all award rates and existing allowances relating to work or conditions, in private sector awards of the Tasmanian Industrial Commission, from a common operative date of, on and from the beginning of the first full pay period to commence on or after 1 August 2005, in accordance with the decision of the Australian Industrial Relations Commission of 7 June 2005, contained in Print PR002005 - Safety Net Review - Wages, (ii) to increase the minimum wage that is payable to adults without regard to the work performed to \$484.40 per week and (iii) to the extent necessary to effect these changes, amend the Principles of the Commission**

## **ALL PRIVATE SECTOR AWARDS**

**Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 by the Tasmanian Trades and Labor Council to vary all private sector awards containing provisions for Meal Allowance, to reflect consumer price index movements in the category of meals out and take away (Reference ABS6401.0) for the period March 2004 to March 2005**

## **ALL AWARDS OF THE TASMANIAN INDUSTRIAL COMMISSION CONTAINING SUPPORTED WAGE SYSTEM CLAUSES**

**Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 by the Tasmanian Trades and Labor Council to vary all awards of the Tasmanian Industrial Commission containing Supported Wage System Clauses to increase the minimum amount payable to employees engaged under the system from \$61 to \$62 per annum**

## **CARRIERS AWARD, IMPACT FERTILISERS ENTERPRISE AWARD, METALLIFEROUS MINING AND PROCESSING AWARD, ZINIFEX HOBART SMELTER ENTERPRISE AWARD AND ZINIFEX ROSEBERY (MINING) AWARD**

**Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 by the Australian Workers Union, Tasmania Branch to vary the above awards to reflect consumer price index movements in the category of meals out and take away (Reference ABS 6401.0) for the period March 2004 to March 2005**

**HOBART**

**2.15 PM, FRIDAY, 15 JULY 2005**

**HEARING COMMENCED**

**[2.20pm]**

PN1

THE PRESIDENT: Is there any objection to the four applications being joined? All right. The four applications will be joined then. Could I take appearances, please?

PN2

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

PN3

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

PN4

MR D. HANISCH: I appear for the Australian Manufacturing Workers Union.

PN5

MR T. JACOBSON: I appear on behalf of the Health Services Union of Australia, Tasmania No 1 Branch.

PN6

MR P. GRIFFIN: I appear on behalf of the Shop, Distributive and Allied Employees Association, Tasmanian Branch.

PN7

MR M. WATSON: I appear on behalf of the Tasmanian Chamber of Commerce and Industry. With me is MR N. BEHRENS.

PN8

MR T. EVANS: I appear on behalf of the Minister for Industrial Relations pursuant to section 27 of the Act, and also for the Minister Administering the State Service Act.

PN9

MR W. FITZGERALD: I appear on behalf of the Australian Mines and Metals Association Incorporated, and also Zinifex Australia in respect of Rosebery and Hobart sites, Temco and Impact Fertilisers.

PN10

MR D. McDOUGALL: I appear on behalf of the Australian Retailers Association.

PN11

MR K. RICE: I appear on behalf of the Tasmanian Farmers and Graziers Employers Association.

PN12

MR J. HARGRAVE: I appear on behalf of the Printing Industries Association of Australia. Your Honour, we have had discussions with the union. My understanding is that the Printers Award was omitted from the listing. However, we do consent to that being joined in the matters this afternoon.

PN13

THE PRESIDENT: All right. Thank you. Mr Cocker, perhaps if we deal with the three applications lodged by you first, and then we can deal with the ones lodged by the AWU. Thank you.

PN14

MR COCKER: If it please the Commission, I have here copies of statement and attachments to go with the case. The booklets contain a full statement of the Labor Council's case. If it pleases the Commission I might present that in summary form.

PN15

THE PRESIDENT: Thank you. I will mark that exhibit TTLC1.

**EXHIBIT #TTLC1 BOOKLET CONTAINING FULL STATEMENT OF THE TRADES AND LABOR COUNCIL'S CASE**

PN16

THE PRESIDENT: Okay. Thank you.

PN17

MR COCKER: President and Members of the Bench, it is my privilege to present the case in support of applications T12144 lodged by the Tasmanian Trades and Labor Council. I speak with some trepidation, that this may be the last annual event of this type for some time. There are those in our society who want to jettison the civilising legacy of the Harvester judgment and abandon low-paid workers and their families who rely on this annual adjustment to an individual market system. The decisions of this Commission have aided those people in recent years and Union Tasmania strongly supports the process of annual adjustments determined by industrial commissions and the union movement will continue to fight for that right to be retained. Even if we don't appear in this forum next year we hope that maybe in the future we may be able to.

PN18

The applications that we have lodged seek to increase all award rates and existing allowances relating to work or conditions in private sector awards of the Tasmanian Commission from the first full pay period to commence on or after August 2005, in accordance with the decision of the Australian Industrial Relations Commission of 7 June 2005, contained in Print PR002005, the safety net review of wages. We also seek to increase the minimum wage that is payable to adults, without regard to the work performed in Tasmania to \$484.40 a week, and to the extent necessary to effect these changes, amend the principles of the Commission.

PN19

As has become the practice when making this application, it seems considered efficient to deal with increasing meal allowances in awards to reflect the consumer price index movements over the period March 2004 to March 2005 and

to vary the minimum rate set for the supported wage system. They are the other two applications that we have lodged.

PN20

THE PRESIDENT: Yes.

PN21

MR COCKER: The requirement on this Commission, as from its Act, is to consider the decision of - or have regard to the decision of the Australian Commission in the proposed award variation and to ensure it is consistent with the public interest, particularly considering the economic position of industry likely to be affected; the economy of Tasmania, and the likely effect of the proposed award with particular reference to the level of employment and any other matter considered relevant by the Commission. The economic considerations, particularly the level of employment, were given extensive consideration in the Australian Commission, and as my colleague from the Chamber will be outlining later, the Tasmanian economy is possibly in unprecedented good shape at the moment.

PN22

It is submitted that the matters which may be considered relevant to the public interest include the needs of the low paid, equity for Tasmanian award workers, precedent decisions of the Tasmanian Commission, and of course compliance with the Commission's wage fixing principles. My submission will address these issues in the context of the ACTUs claim and responses to it, the matters considered by the Australian Commission, reasons why the Commission should flow it on, and then the applications.

PN23

The Australian Council of Trade Unions sought a \$26.60 weekly increase in all awards rates, with a commensurate increase in wage-related allowances in the national wage case. The claim received varied responses, although all parties to that hearing conceded that an increase was appropriate. The employer groups in the Federal Government considered that 10 or 11 dollars a week would be appropriate. The State and Territory Governments submitted that \$20 a week would be appropriate, while community groups - in particular ACOSS and ACCER - supported in full the claim. In considering that claim, the Australian Commission has a number of obligations from its Acts that it must apply to the case.

PN24

The Commission divided those up broadly into economic considerations, to considerations of the social needs or the needs of the low paid, and then finally impact on bargaining that this claimed rise may have. With particular emphasis on economic factors, the Commission generally found that the past 12 months had been, shall we say, economically successful. There was growth - GDP was increasing; there had been strong growth in average weekly ordinary time earnings. and real unit Labor cost of wages share of GDP fell during the year. Employment grew and unemployment decreased to a 28-year low.

PN25

With respect to the economic outlook, the Commission concluded the Australian economy is expected to perform to historical standards of acceptability, with the GDP expected to grow; that employment will continue to grow and unemployment will continue to ease further with CPI staying in the range considered acceptable by the Reserve Bank. The Commission gave considerable and lengthy consideration to the employment effects of the ACTU claim. It was a feature, I guess, of the Commonwealth case, that the seeking of increases to the minimum wage to award wage levels could be detrimental to employment. Significantly, I think, the Commission was unable to reach that same conclusion. The evidence presented by the Commonwealth remains controversial and was rebutted by other experts in its structure and academic background. To quote:

PN26

*The material brought to the Commission's attention does not establish ... (reads)... itself will do little or nothing to diminish job prospects.*

PN27

Given the, I guess, importance that some have placed on the impact on job prospects, the finding that the raise granted will do nothing to diminish them is important. The Commission - the Australian Commission also gives some attention to attempting to cost the claim. Again this proved to me an issue of some academic controversy. A number of different variations and models were put before the Commission which gave outcomes that ranged between .1 and .7 per cent of the total wage aggregate. I guess the critical finding at the end of the day was that the Commission - the Australian Commission was very comfortable that the wage rights that are granted would have a small impact in that aspect.

PN28

In terms of considering social considerations, the needs of the low paid are a key issue in this whole debate. The States submitted that the combined effect of transfer payments and wage increases have actually allowed this group to share in the wealth creation in this country after missing out throughout most of the nineties. This is perhaps the only mechanism that is available to the low paid, to share in the wealth of this country.

PN29

There was an argument about the role of transfer payments, with the Commonwealth preferring the use of transfer payments to the wage system to deliver money to the low paid. It of course was noted that transfer payments overwhelmingly favour families at the expense of single people or childless couples. Then having considered all aspects, the Commission was of the view that the wage movement was indeed important to the needs of the low paid. The Commonwealth further argued that a pay rise may well be a disincentive to these people in seeking career progression, an idea again which didn't receive much support.

PN30

The Commission, based on the evidence provided, concluded that it is generally acknowledged that low-paid employees live week-to-week and struggle to make ends meet and are unable to afford what are regarded as necessities by many in the broader community. It rejected any thought that this rise was any sort of

disincentive to workers to seek higher wage rates. The Commission did note that there has been some compression in the award structure, but didn't feel that this was an issue to take into account in setting the adjustment level. The further issue of incentive to bargain was dealt with. Again the Commonwealth argued strongly that an excessive pay rise would be a disincentive to bargain, but I think the facts don't strongly support that. And the further argument that there is an impact on productivity was tabled, but again the academic support for that was controversial and not conclusive.

PN31

The Commission at the end of the day concluded that there is no necessary association between award coverage, safety net adjustments and productivity growth. Indeed, if you look at the low - the bottom level of the Metals Award which was adjusted in this case, the figures presented show that the C14 rate has increased at only about 4/5s of the rate of ordinary weekly earnings for full time adults, and as you go further up that incremental scale, that discrepancy gets bigger and bigger. I don't see that there is any disincentive to bargain and/or to seek career progression when those higher rates are clearly there and the gap between them and the award is increasing on a regular basis.

PN32

So in summary, the Commission found that: award wages have not kept up with bargained wages; productivity levels have been "remarkable" since 1996, to quote; inflation has been consistent; employment has grown 19 per cent in that same period; economic growth has been 32 per cent since June 1996; the needs of the low paid are better served through earnings than welfare; that many award reliant workers have low bargaining power; that the evidence suggested that safety net adjustments have not been inconsistent with the continued growth of bargaining; the forecasts are satisfactory; and that to accept the position put by Government employers that \$11 a week was a suitable pay rise would result in a loss of spending power for those award-reliant employees; and all those circumstances the Commission considered that an upwards adjustment of \$17 a week was appropriate.

PN33

We seek to flow on that \$17 a week into Tasmanian awards. There are a number of reasons why. Firstly, there is the past practice and precedent of this Commission. It is appropriate to reiterate that on no previous occasion has this Commission since the introduction of the current wage fixing principles in 1985 declined to flow on the wage increase, and arguably the Tasmanian economy is in the best position to cope with that than it has ever been in. In saying so, I refer to the economic position in Tasmania very briefly, as I know my colleague is going to refer to that later.

PN34

From the budget papers - budget paper number 1, the overview of 2005/6, page 27 sets out some following key results. Tasmania continues to experience its best economic conditions in decades; record job levels and strong job growth in all regions of the State; a substantial reduction in unemployment; strong private sector investment; growing tourism; buoyant construction; growth in consumer spending; high levels of confidence; and the population growth. It forecasts for

the following year for that pattern to continue. With labour market, forecasts show employment is expected to continue to grow and unemployment to continue to decline.

PN35

Wage growth in Tasmania has seen average weekly earnings over a five-year average of 3.8 per cent increase, and in December 2004 the Tasmanian figure returned to be 90 per cent of the all-Australian figure after the first time in some years, increasing from 89 per cent in the previous year. The figures of these wage increases are well in advance of the safety net adjustments that have occurred in that time. While the participation is still low in Tasmania by Australian standards, there is reason for optimism.

PN36

There is also an equity argument, if the Commission pleases, and that argument is that State awards cover approximately 25 per cent of award-covered workers in Tasmania. I am unaware to date that there has been any employer objection to flow on of the increases into Federal awards, and it would seem to me inconsistent to have an argument that said they can't be in State awards when they are flowing into Federal awards. I think the Commission also should be paying particular attention to the public interest in terms of the needs of the low paid.

PN37

As was found by the Federal Commission, the experience of low-paid workers is one of struggling to make ends meet, of going without many of the things that ordinary Australians regard as necessities. In this jurisdiction as in the Federal jurisdiction, award-reliant workers are generally paid less than the rest of the community; they are more likely to be women; they are concentrated in three industry sectors, accommodation, cafes and restaurants, retail trade and health and community services; they are overwhelmingly employed in the private sector; and they are overwhelmingly employed in non-managerial occupations and lower-skilled occupations.

PN38

THE PRESIDENT: I think in the Federal jurisdiction the statistics indicated that it is perhaps 20 per cent of the Federal workforce that are still award reliant. Do you know what the percentage is here?

PN39

MR COCKER: I don't. I don't know, I was unable to find out that figure.

PN40

THE PRESIDENT: All right.

PN41

MR COCKER: And the lives of the low paid in Tasmania will be somewhat improved by flowing on the increase in award wage rates. I would submit that in fact in the public interest - and indeed, it is a mark of a civilised society, that all working people can share in improved economic climate, not just those with the market power or those able to organise and bargain.

PN42

In considering the impact on industry and economic capacity, I think the broad outline of the Tasmanian economy is sufficient evidence to show that industry is capable of accepting these changes with a detrimental effect. I would submit that principle 14 of the Tasmanian Commission's wage fixing principles allows an avenue for relief if there is a component or an employer within an industry that may have a problem.

PN43

I submit that all the available evidence shows the economy of Tasmania is healthy. Prima facie the employment growth figures for last year indicate no detriment from the \$19 that was granted last year. The issue of employment and the employment effect of the safety net adjustment, as I said, received considerable attention in the Australian case, with the Commission reaching a similar conclusion:

PN44

*...that the data available was of limited assistance -*

PN45

and the Commission -

PN46

*was not persuaded that there is any necessary association between award coverage, safety net adjustments and employment growth.*

PN47

That is, there is no demonstrative negative associations between this increase and employment growth. There is no evidence available to suggest that the Tasmanian position is any different or that the \$17 a week will be detrimental to employment.

PN48

If the Commission pleases, these matters have been the subject of discussions between the Tasmanian Trades and Labor Council and the Tasmanian Chamber of Commerce and Industry, and a memorandum of understanding has been reached, which is set out in tab 5 of the exhibits. It has been agreed between us that the wage rates should be increased by the safety net adjustment of \$17 a week; that the safety net adjustment be reduced to the extent of any over-award payment or enterprise-bargaining increase currently being paid by the employer.

PN49

DEPUTY PRESIDENT SHELLEY: I take it that means may be, not shall be?

PN50

MR WATSON: Perhaps if I can help, Deputy President.

PN51

DEPUTY PRESIDENT SHELLEY: Thank you.

PN52

MR WATSON: Certainly I think from our point of view as a party to the MOU, yes, we are suggesting that it may be an option. We are not suggesting that it would be automatic, no.

PN53

MR COCKER: In fact I didn't have a word between "awards" and "be" at all, so I am quite happy to insert "may". Wage rates in private sector awards may increase by the safety net adjustment from the first full pay period on or after August 2005 where existing wage rates have been varied to include last year's case and a period of 12 months has elapsed since wage rates in the award were increased.

PN54

There is a further condition providing that in awards where variation for a safety net adjustment arising from the previous five cases, whereby consent - and it doesn't result in an increase in wage rates actually paid to the employees, the 12 months may be waived. As a consequence, the State minimum wage may be increased by \$17 to \$484.40 a week. The other three items referred to, the allowances, the calculation for the 3 per cent in paragraph 4 is found at tab 7. It applies to the safety net adjustment formula of dividing the wage rate by the weekly - the wage increase by the weekly wage rate set at C10 in the Metal and Engineering Award. That calculation gives a figure of 3.03 per cent which is rounded to 3 per cent.

PN55

The allowances referred to in para 5 are the meal allowances as referred to earlier, and the calculation there looks at the rise in the index from the March quarter of 2004, the March quarter of 2005, for the weighted capitals meals out and take-away foods. When those indexes are applied through the formula, we get a similar movement of 3 per cent which results in an increase from \$12.70 to \$13.10 for that allowance.

PN56

If the Commission pleases, the third issue is that of the supported wage. It has been the practice of this Commission for some time to flow the decision of the Australian Commission into the minimum weekly amount payable under the supported wage provisions. It has happened in the past that that decision hasn't been made, but it has been the practice of the Australian Commission in that time to use the figure from the Centre adjustment.

PN57

That is to be found at tab 5, the disability and carer payment rates from 1 July from Centrelink, where that figure, the income test now has moved up to \$62 from \$61. It is submitted that that would be an appropriate figure for this purpose. Given the very limited application for this minimum rate, the regular precedent and the small increase involved, it is submitted that it may be appropriate to approve that rise, subject to any contrary decision coming from the Australian Commission.

PN58

THE PRESIDENT: I think it is a pretty standard formula that has been used in the past. You would be dead unlucky, I think, if you got it wrong.

PN59

MR COCKER: I think so, yes. So it is our submission if it pleases the Commission that the Full Bench, having regard to all of the above, should grant the claims made in the applications and as set out in the memorandum.

PN60

THE PRESIDENT: All right, thank you. Do you want to make any response to Mr Cocker's submissions or do you want to address your own application when the time comes? Yes, sorry, I was talking to Mr Flanagan.

PN61

MR FLANAGAN: Well, I think I had better respond to Mr Cocker's application now. Firstly, the AWU fully supports the application of Unions Tasmania in 12144 of '05 to vary all private sector awards, other than the Temco Award. You will recall, President, that the Temco Award - or certainly Commissioner Abey would - has a practice of rolling their expired agreement into the award, and therefore is not subject to safety net adjustments.

PN62

So other than that exception, we support 12144 of '05. We also support 12156 in relation to the meal allowances fully. We also fully support the increase in the supported wage. And with the exception of principle 3 to the current wage fixing principles to the extent that it is implied within Unions Tasmania's submission that they should continue, we would also support that. And I will address our application separately.

PN63

THE PRESIDENT: And any consequential variations that need to be done.

PN64

MR FLANAGAN: Yes.

PN65

THE PRESIDENT: All right, thank you. Perhaps if we hear from - Mr Hanisch, did you wish to - - -

PN66

MR HANISCH: No. I am fine, thank you, Deputy President.

PN67

THE PRESIDENT: You support the application?

PN68

MR HANISCH: Yes, I do.

PN69

DEPUTY PRESIDENT SHELLEY: Mr Jacobson?

PN70

MR JACOBSON: Similarly, the HSUA supports the application.

PN71

THE PRESIDENT: Mr Griffin?

PN72

MR GRIFFIN: Madam President, we endorse the application by Mr Cocker. Thank you.

PN73

THE PRESIDENT: Mr Watson?

PN74

MR WATSON: Thank you, President. I want to commence by just tabling an exhibit, please?

PN75

THE PRESIDENT: Thank you. We will mark it TCCI1.

### **EXHIBIT #TCCI 1 TASMANIA'S ECONOMIC OUTLOOK**

PN76

MR WATSON: This document, President, is a comprehensive snapshot of Tasmania's economic outlook as of March 2005. I don't intend to go through the document in any detail, only to indicate that it has been comprehensively prepared with the latest information that we have by our economist, Nick Behrens. The Act requires the Commission to take account of the State of Tasmania's economy in looking at any variation to awards such as these applications. The Tasmanian economy has experienced another buoyant and sound year of performance. The trading environment has been solid during a testing year, tailoring to constant demand whilst at the same time experiencing challenging skill shortages. However, as is clearly evident in a number of economic indicators, a plateauing is now starting to emerge.

PN77

This analysis firmly points to a tapering of our State's economic performance and expectations for a further easing. The latest Tasmanian survey of business expectations has firmly indicated that business confidence has declined. The 12-month outlook for both the Tasmanian and Australian economies has been trending downwards across the past year and is at its lowest since mid-2002. Results are consistent with the general people's - community's feeling about a strong year for the Tasmanian economy, but not comparable with the previous two years.

PN78

Tasmania has certainly made up a significant part of the gap that emerged between our and the national economy across the 1990s and we are better positioned for sustained economic growth than in the past two decades. This economic snapshot is in the main positive, but economic growth in Tasmania in the past year has definitely eased from the very impressive growth witnessed across 2002 and 2003.

PN79

The recent success of the Tasmanian economy, there is no guarantee for future performance. Tasmania has returned from the brink, yet its recovery has been largely cyclical. There has been an unmistakable fall in confidence and the

challenge before us is to prevent a further downturn associated with the normal economic cycle. Tasmania continues to be a long way behind the rest of Australia, but nonetheless appears to be better positioned for sustained economic growth than in the past two decades. We are less likely to continue lagging behind the mainland on a range of economic indicators in the near future, and we have commenced narrowing at least some of the gaps that emerged during the 1990s. With that statement on the record, President and Members of the Bench, we indicate that we are not opposed to this year's application. In fact, there is agreement as per the MOU that Mr Cocker has referred to.

PN80

In relation to the other parts of the application, I can indicate that we are agreed to the meal allowances. We have checked the calculation and believe that it is appropriate in terms of the CPI adjustment. We are agreed to the figure in relation to workplace - sorry, work related allowances, and also the figure in relation to the supported wage. We would ask that the Commission in amending the 2005 wage fixing principles reflect as required the terms of the MOU into those principles as has been the case in previous years. With those submissions in mind, President and Members of the Bench, I indicate again that our position is that we are, as per the MOU, agreed to this year's application. We will address Mr Flanagan's application after he has made submissions. If it pleases.

PN81

THE PRESIDENT: Can I just ask you, do you know the specific employees who are award reliant?

PN82

MR WATSON: I thought you might ask me that, President. No, I am sorry, I don't.

PN83

THE PRESIDENT: No, right. It just gives an indication of the impact of the interest, that is all.

PN84

MR WATSON: Yes.

PN85

THE PRESIDENT: I don't think there is a high percentage.

PN86

MR WATSON: As Mr Cocker said - we are talking about State awards, aren't we?

PN87

THE PRESIDENT: Yes.

PN88

MR WATSON: Yes. As Mr Cocker said, we believe that the 25 per cent is about right in terms of a figure of the Tasmanian workforce, and I would suggest that there is a fair percentage of those people that would be covered by agreements. So off the top of my head, I would say that it is probably something

like about 10 to 12 per cent of the population of Tasmania, but if required we can get some actual data on that if you need that.

PN89

THE PRESIDENT: No, it is not necessary. My view was that it was a small percentage, and you have confirmed that anyway. All right, thank you. Mr Evans?

PN90

MR EVANS: Good afternoon, Madam President and Members of the Bench. As you would no doubt expect, I won't be on my feet for too long this afternoon.

PN91

THE PRESIDENT: We might ask you a really tricky question and keep you there.

PN92

MR EVANS: Well, it is whether or not I can answer it, Madam President. That may be the issue. The Tasmanian Government fully supports the agreed position expressed in exhibit 1, tab 5, that is the memorandum of understanding between the Tasmanian Trades and Labor Council and the Tasmanian Chamber of Commerce and Industry. The Government respectfully urges the Bench to adopt in full the form and quantum of wage increases expressed in the memorandum which are essentially increases determined by the recently concluded AIRC 2005 safety net review case. All available evidence indicates that such an increase is economically sustainable, both in prevailing and foreseeable economic circumstances.

PN93

It is also the Government's strong view that such an increase would not have a deleterious effect on the current level of employment in the State, but would provide some protection for the lowest paid workers in the State. I would make some comments regarding the state of the economy. On 19 May, the Premier and Treasurer delivered his budget speech, and if I may quote some passages from that speech. Members of the Bench, he said:

PN94

*The Tasmanian standard of living is the best it has ever been.*

PN95

And later:

PN96

*Tasmania's general Government net debt will be totally eliminated by 30 June 2006.*

PN97

He indicated that Tasmania has a bright future. He said:

PN98

*Today's budget is framed in the context of a strong economic outlook. Tasmanians have every reason to be optimistic and business has every reason to maintain its confidence.*

PN99

The Treasury has forecasted economic growth at 3.25 per cent in the coming year and employment growth of 6000 more jobs. Regarding employment, he said:

PN100

*Employment is a remarkable story. At the end of March, there were more than 218,000 Tasmanians in work. We have had 36 months of consecutive jobs growth. Since 1999 24,600 new jobs have been created. There are more Tasmanians than ever before in work and our unemployment rate has fallen to its lowest level in 20 years. Our population is growing.*

PN101

As a final quote from the Premier and Treasurer's speech, he said:

PN102

*Private investment has grown by nearly 14 per cent a year since we came to office. In the 12 months at the end of last December it grew by nearly 25 per cent. This is a real vote of confidence in the future of Tasmania.*

PN103

I think everything that has been said here today in relation to the state of the economy at present and in the foreseeable future and indeed those comments from the Premier and Treasurer's speech supports that the economy is in a fairly robust state. Clearly, as I said, those comments and forecasts go a long way to satisfying the provisions of section 36 of the Industrial Relations Act that require the Commission to be satisfied that any increase is consistent with the public interest.

PN104

Specifically, the Government says: the economic position of industry in general or any specific industry will not be adversely affected by such an increase and; the Tasmanian economy or level of employment will not be adversely affected by such an increase and; there is no other relevant public interest consideration that should prevent the Commission from awarding the increase sought.

PN105

Madam President and Members of the Bench, it would be remiss of me if I did not mention the level of agreement that prevails between the Tasmanian Trades and Labor Council and the Tasmanian Chamber of Commerce and Industry. Once again, the Government would like to acknowledge and congratulate the parties on their continuing constructive and responsible approach to issues such as this. It is our view that such a level of constructive and responsible co-operation is not new or unique in our jurisdiction and is just one of the many very good examples of why and how Tasmania's industrial relations system is second to none.

PN106

If I may conclude by saying that the Government believes that granting this application as sought will give effect to the continuing relevance of principle 4 of the award safety net - that is the award safety net, sorry. It is a tad ironic that I appeared before an AIRC Full Bench in 1997 that was convened to deal with the first so-called leave and wage case, and also represented the State Government in

perhaps the last AIRC safety net review before we proceed to the new era of fair pay or slow pay commission.

PN107

However, Madam President and Members of the Bench, despite from an IR perspective the interesting times that we live in - sorry, the interesting times that we live in from an IR perspective have been imposed unilaterally and without any consultation by the Federal Government. Unlike the view expressed by my colleague at the end of the table here today, I remain extremely confident and optimistic that I will be appearing before you again in approximately 12 months time dealing with a similar application.

PN108

THE PRESIDENT: Although on your past performance, you may be the jinx that finishes everything off, from what you are telling us.

PN109

MR EVANS: I don't think I will care to respond to that.

PN110

THE PRESIDENT: You appeared at the first and the last at every wage case. That is not a terribly good record.

PN111

MR EVANS: Well, we do have a very good record of supporting this Commission, Madam President.

PN112

THE PRESIDENT: Indeed.

PN113

MR EVANS: And that will certainly continue.

PN114

THE PRESIDENT: Yes.

PN115

MR EVANS: If the Commission pleases.

PN116

THE PRESIDENT: Good, we are pleased to hear that. Thank you. Mr FitzGerald?

PN117

MR FITZGERALD: Thank you very much. President and Members of the Bench, I will be very brief. I certainly support the submissions of Mr Watson and specifically the MOU between the Tasmanian Trades and Labor Council and the Tasmanian Chamber of Commerce. I make that submission on behalf of Australian Mines and Metals Association. In respect of the application by Mr Flanagan, I reserve my right to make further submissions once Mr Flanagan has made his submissions. If it pleases.

PN118

THE PRESIDENT: Yes, that is fine. Thank you. Mr Rice?

PN119

MR RICE: Madam President and Members of the Full Bench, I trust the farmers that take a different view. On this particular time - well, we will go back a moment. Given the level of agreement between Unions Tasmania, the TCCI and the Government, the farmers probably take a rather pragmatic view to this application. Given the current status of the Tasmanian vegetable industry, it would be foolhardy of us to come to this Commission and say today that we offer our full support for the application.

PN120

We are not seeking to argue to the contrary, but we do not support the application at the present time. It may be in the future - and we will need to see what the future brings to us and appear before this Commission on incapacity to pay for some sections of the rural community, particularly the vegetable growers of Tasmania. On that note, Madam President and Members of the Full Bench, is the reason why we are not supporting this application at the present time. We are not seeking to offer any evidence on our non-support. It is more a statement rather than a submission to that extent at this particular time. If it pleases the Commission.

PN121

THE PRESIDENT: I understand what you are saying, that you are reserving your right to run an incapacity to pay argument if necessary.

PN122

MR RICE: Most definitely, Madam President.

PN123

THE PRESIDENT: Is that generally what you are putting?

PN124

MR RICE: Yes.

PN125

THE PRESIDENT: Could I just ask you, would most of the members of your organisation be award reliant? Very few enterprise agreements?

PN126

MR RICE: Particularly within the vegetable industry. In other parts of agriculture - - -

PN127

THE PRESIDENT: Yes.

PN128

MR RICE: They are nearly all award reliant. In managerial positions, no, they are not. They are moving above that. We have quite a number under Federal awards, but the vegetable industry in particular is award reliant and under the auspice of this Commission.

PN129

THE PRESIDENT: So there is not that many industrial or enterprise agreements generally?

PN130

MR RICE: No.

PN131

THE PRESIDENT: All right, thank you.

PN132

MR RICE: If it pleases the Commission.

PN133

THE PRESIDENT: Mr McDougall?

PN134

MR McDOUGALL: Thank you. The Australian Retailers Association supports the submission made by Mr Watson on behalf of the TCCI and also supports the memorandum of understanding reached between the TCCI and the TTLC. If the Commission pleases, thank you.

PN135

THE PRESIDENT: Thank you. Mr Hargrave, did you wish to add anything else?

PN136

MR HARGRAVE: Thank you, your Honour. In relation to the - and I talk on Printers Award only at this stage - we do not oppose the application by Unions Tasmania. That is subject to us receiving copies of the draft award and also checking of the calculations. We don't want to have a repeat of the system that we had last year where the award was varied on 27 September and backdated to 1 August, costing quite a considerable amount of backpay for members. But on the basis of that, when received from Unions Tasmania a copy of the draft order, subject to our checking of it, we don't oppose the application.

PN137

THE PRESIDENT: I was not aware that that was the case, but I would like to see you afterwards and you can explain to me what that is about.

PN138

MR HARGRAVE: After the process?

PN139

THE PRESIDENT: Because the practice has been that we by general order vary all the awards. We have paid a squillion dollars for some computer system to do it.

PN140

MR HARGRAVE: It was varied by Commissioner Abey on 27 September 2004 with an operative date of 1 August - - -

PN141

THE PRESIDENT: For the State wage increase?

PN142

MR HARGRAVE: Yes, for the Printers Award.

PN143

THE PRESIDENT: Although the decision would have indicated that it would be varied from 1 August, even though you didn't receive the draft order until some six or seven months later?

PN144

MR HARGRAVE: That is possible, but I didn't appear in that matter at all, President.

PN145

THE PRESIDENT: Because the State wage decision was issued on 23 July that indicated that all awards would be varied from the first pay period on or after 1 August. No, I will be interested to have a look at that.

PN146

MR HARGRAVE: Thank you, your Honour.

PN147

THE PRESIDENT: Nothing else?

PN148

MR WATSON: Excuse me, President. I might just say that from last year's State wage case I think - and Mr Hargrave didn't appear, so that is perhaps understandable - but the parties' understanding was that from the general decision, the 1 August date or FFPP was the operative date.

PN149

THE PRESIDENT: Yes.

PN150

MR WATSON: As far as we are concerned, we then forwarded the information out to the members based on that general decision and didn't necessarily wait for the particular order for each award. So that was our position from last year.

PN151

THE PRESIDENT: That is my understanding of how it is to work.

PN152

COMMISSIONER ABEY: Just one minor housekeeping matter, Mr Cocker. I notice in the schedule attached to the application, we once again, for the meal allowance, have the Building and Construction Industry. You may not be in the position to answer that, but historically that award has had a nexus relationship with its parent Federal award. I understand that is the wish of the parties. This appears in the schedule, it seems each year, and invariably, by hook or by crook, it is pulled out. You may wish to get advice, seeing as though there are no building union representatives here today. But my suspicion is that it is not the intent of the parties that the meal allowance in that award be varied in this application.

PN153

MR COCKER: I will get an answer to that question.

PN154

COMMISSIONER ABEY: Right. Thank you.

PN155

THE PRESIDENT: Thank you. You didn't want to make any further comment on your three applications, did you?

PN156

MR COCKER: No. No thank you, President.

PN157

THE PRESIDENT: All right, thank you. Perhaps if we deal with the application made by the Australian Workers Union. Mr Flanagan?

PN158

MR FLANAGAN: Thank you, President. President, the application has within it two components. The first component is to vary a number of awards in relation to the meal allowance, and the second to review the wage fixing principles. If I can first deal with that part of the application which concerns the meal allowances. I seek to tender to the Commission an exhibit book. Contained within that exhibit book are extracts of the award - that is right, extracts of the award as they currently stand.

PN159

I don't propose to take the Commission to those exhibits specifically, other than to indicate that an examination of them will show that the Carriers Award, the Zinifex Hobart Smelter Award and the Zinifex Rosebery Award currently identify a meal allowance of \$12.70. The AWU is seeking that those awards, or those meal allowances, be increased to \$13.10 and relies upon the methodology advanced by Unions Tasmania in matter 12156 of 2005 this afternoon in support of that proposition.

PN160

An examination will also show that the Impact Fertilisers Enterprise Award currently identifies a meal allowance of \$11.90. It is the AWUs desire that that allowance also be increased to \$13.10 to bring it in line with the State standard. However, we have been unable to ascertain the view of Impact Fertilisers in relation to that. So what we would propose is that the Commission provide Impact Fertilisers with an appropriate period of time to indicate their consent or otherwise to that, and in the event that they indicate that they do not consent, that that part of the application be listed on a separate occasion.

PN161

THE PRESIDENT: Was the award not varied for the last State wage case to increase meal allowance?

PN162

MR FLANAGAN: The Impact Fertilisers Award is a relatively new award, and I am not sure why it doesn't actually reflect the current standard of 12 - - -

PN163

THE PRESIDENT: No, because the operative date was June 2004, prior to the decision.

PN164

MR FLANAGAN: Yes. I am not sure what has occurred there, but we need further discussion with Impact Fertilisers. And then finally, the Metalliferous, Mining and Processing Award. It currently identifies a meal allowance of \$12.30, and that of course was the amount prior to \$12.70. So there appears to have been an administrative error by the industrial parties at the time that the award was made, bearing in mind that it only came into effect on 1 January this year, President.

PN165

So the AWU is seeking that that award be increased to \$13.10 to bring it in line with the State standard. I understand that on the basis of the existence of the administrative error, that that particular application is not opposed by the Australian Mines and Metals Association, but Mr FitzGerald can confirm that. So we seek that the Commission vary those awards to reflect the meal allowances as detailed.

PN166

The second component, President, is a proposal by the union to review the wage fixing principles. In respect of that matter, we would simply request that that part of the application in matter 12163 of 2005 be allocated a separate date for a hearing. You will recall, President, that the union wrote to your associate yesterday in relation to this particular matter and provided to the Commission the submissions which we rely upon in support of that proposition.

PN167

At the same time, the union forwarded to the peak employer bodies and a number of unions that proposal. We recognise that it would be inappropriate to delay these proceedings on the basis of our request to review the wage fixing principles. What we would say is that the approach which ought to be adopted by the Commission is that approach which the Commission adopted in matter number T8413 of 1999, when the Commission at that time separated the outcome of these proceedings from a review of the wage fixing principles and heard separately that issue, and subsequently issued altered wage fixing principles.

PN168

So we do not wish to see the proceedings held up. What we say is that the matter should go forward in terms of the applications by Unions Tasmania, and that the issue of the wage fixing principles - and in particular principle 3, which is the only principle which the AWU proposes to revisit - that that issue be listed for hearing on a separate occasion when the other parties have had adequate time to consider our proposal and develop a response.

PN169

THE PRESIDENT: Has there been any discussion between you in respect of the proposed principle?

PN170

MR FLANAGAN: There has been significant discussion, if you like, in the sense that the union - the AWU first wrote to a significant number of other unions and Unions Tasmania and the State Government in April of this year. The

position that arises from that is that there were some very preliminary discussions with the Government and we are not aware - well, there is no concluded view. They were very much that; preliminary discussions.

PN171

In terms of discussions with the unions, I understand that there are a couple of unions, if I can put it that way, which support the AWU position. My last understanding of the position of Unions Tasmania is that they do not. There have been no discussions with the Tasmanian Chamber of Commerce and Industry. Clearly, we recognise that it is appropriate for further discussion to occur.

PN172

THE PRESIDENT: Yes.

PN173

MR FLANAGAN: So in those circumstances, we would simply seek that the matter be allocated a separate date. If it pleases the Commission.

PN174

THE PRESIDENT: All right. Can I just advise you that we have received correspondence from both the CFMEU and the ETU advising that they support the applications made by you.

PN175

MR FLANAGAN: Thank you, President.

PN176

THE PRESIDENT: Mr Hanisch?

PN177

MR HANISCH: Yes. Thank you, President and Members of the Bench. We did forward a letter off to - - -

PN178

THE PRESIDENT: You noticed I didn't refer to it.

PN179

MR HANISCH: I did. I just want to put on the record that since considering our position in regards to that matter, we withdraw our support on that matter.

PN180

THE PRESIDENT: That is in respect to the wage fixing principle - - -

PN181

MR HANISCH: That is correct.

PN182

THE PRESIDENT: - - - not the allowances?

PN183

MR HANISCH: Not the other stuff, no. It is primarily the wage fixing principles. Thank you, President.

PN184

THE PRESIDENT: All right, thank you. Do any of the other unions want to make any comment about the AWU application? Right, no. Mr Watson?

PN185

MR WATSON: Thank you, President. Firstly in relation to the meal allowance application of the AWU, we indicate that in relation to the Carriers Award, the Zinifex Hobart Smelter and the Zinifex Rosebery awards that there is agreement to those parts of the application.

PN186

In relation to the other two, that is Impact Fertilisers and the Metalliferous, Mining and Processing awards, we would suggest that if - and given that we are not the primary party to those awards with operations, that if there is to be a levelling off, so to speak, of those meal allowances up to \$13.10 and that is done by consent, then that is fine. But I would just point out that the appropriate vehicle, if it is other than a CPI adjustment, which it would have to be in that particular case, then that usually requires a separate application. It is not simply a CPI adjustment. So in this particular case, providing - - -

PN187

THE PRESIDENT: It may be a correction of an error too. That needs to be determined.

PN188

MR WATSON: It could be. But it is simply not just a CPI adjustment. So with those submissions in mind, we advise that providing that the primary parties to those awards are agreed then we will agree to that. In relation to the second part of the application, first of all we thank Mr Flanagan for the notice that he has given us for this particular matter, but given his submissions today, perhaps it changes things a little bit. Our view at this stage, President, is that in fact the Commission should dismiss the application today. I would just like to quote if I can briefly from the review of the wage fixing principles in 2000 where the Full Bench said at page 19 of that decision in T8413 of 1999 - and they were talking about the role of the Commission in workplace bargaining. The Full Bench said:

PN189

*While we agree with all parties including the Minister that the principles should contain a reference to protecting employees from disadvantage ...(reads)... and has no counter party in the Industrial Relations Act 1984.*

PN190

At this stage, President, we would submit that the AWU application is actually seeking to import into the wage fixing principles the power for the Commission to deal with certain circumstances in workplace bargaining, and we do not believe that the wage fixing principles are the appropriate vehicle for that power. If that power does exist then the legislation should say so, and that would be our position in relation to the application. If the Commission is not minded to dismiss the matter today, then obviously we would seek further time to have discussions with the AWU as per Mr Flanagan's suggestion and then obviously reserve our rights to make submissions if it is listed again. If it pleases.

PN191

THE PRESIDENT: Personally - and I can't speak for the other Members of the Bench - but I personally have a problem with dismissing applications without hearing them. It is a thing generally known as natural justice which we certainly like to apply. So what will arise out of this application is that there would be some direction that the parties confer, and if there is no agreement it may well need to proceed to a formal hearing, depending on the discussions between the parties. Mr FitzGerald?

PN192

MR FITZGERALD: Yes. Thank you, President and Members of the Bench. In respect to the application by the AWU in respect to the two Zinifex awards, I can indicate representing those organisations that there is consent to those meal moneys. In respect to the Metalliferous Award, it is somewhat ironic that as 10 or so years in the making, we are already behind. But there will be consent. If there is an administrative error, there will be consent to updating that to reflect the \$13.10 allowance there. In respect of Impact Fertiliser, it was only pointed out to me this morning by Mr Flanagan that that occurred. I would certainly need to get some instructions. I was unable to do it in the brief time - - -

PN193

THE PRESIDENT: So perhaps if we give you seven days to check those two so that you are comfortable?

PN194

MR FITZGERALD: I could certainly do that, President, but I take Mr Watson's point that, you know, if there is a need to make that adjustment, there may be a need for a separate application.

PN195

DEPUTY PRESIDENT SHELLEY: Wasn't it that when that award was made, it just simply had to reflect what was paid at the present?

PN196

MR FITZGERALD: Yes.

PN197

DEPUTY PRESIDENT SHELLEY: And therefore the meal allowance wasn't adjusted up along with the other awards at that time for that reason?

PN198

MR FITZGERALD: I think you are right, Deputy President Shelley, yes. All right, we will certainly come back to the Commission on that one. More significantly in respect to this, what is described as somewhat of an extraordinary application by Mr Flanagan made at the last minute - it is a little bit more notice than we normally get from the AWU, but we did get it yesterday.

PN199

We sought some general direction from members - and obviously the time limit is somewhat limited to get some instruction. But certainly it will be our position - I note the comments you have made already - that I would certainly support Mr Watson's submission that it should be dismissed in accordance with section 19 of the Act, as it is very clearly against the public interest. But I hear what the

Commission says in that regard, and we will be foreshadowing that submission, that the matter - this extraordinary matter - should be dismissed by the Commission. As it is indicated by Mr Watson, it certainly seeks to - through the means of the principles, provide a power to the Commission which it doesn't otherwise possess legislatively. So that will be our submission when the matter comes on for hearing before the Bench. If it pleases.

PN200

COMMISSIONER ABEY: Mr FitzGerald, I am interested in that last comment. Can you point me to where the Commission is precluded under the Act from dealing - - -

PN201

MR FITZGERALD: Well, there is no specific provision for it. I think the comments made by Mr Watson - the 2000 principles clearly indicate that there was no consent to a provision in the principles to insert a power similar to the Federal Act.

PN202

THE PRESIDENT: But I don't know whether that is what it is doing.

PN203

MR FITZGERALD: Well, I think it is providing a mandatory arbitration provision where the parties cannot - - -

PN204

THE PRESIDENT: I note that is not seeking to legitimise some - the quaintly termed "industrial warfare provisions" of the Federal Act, so - - -

PN205

MR FITZGERALD: Look, it has only been yesterday since we have received this.

PN206

THE PRESIDENT: Yes.

PN207

MR FITZGERALD: We certainly would be making some further submissions when the matter comes on.

PN208

THE PRESIDENT: Yes. I mean, I have some difficulties with what you are saying as well, but I think what needs to be done is that there be some discussion between the unions, first of all, because they need to have some position, and also between the - to the respondent employers. And perhaps as indicated, a direction will require there be some discussions. If there is no agreement, I think there is some requirement to at least hear the merit of the application. It may well be dismissed, or there may be some further result, but it can't just be dismissed without any consideration whatsoever.

PN209

MR EVANS: Madam President and Members of the Bench, in relation to the AWU application in relation to the first part of it - - -

PN210

THE PRESIDENT: The allowances?

PN211

MR EVANS: Sorry?

PN212

THE PRESIDENT: The allowances?

PN213

MR EVANS: Yes, indeed. It seems to us to be eminently sensible to adopt the process that was outlined by Mr Watson from the TCCI, and beyond that we have no comment to make in relation to it.

PN214

THE PRESIDENT: Yes.

PN215

MR EVANS: In relation to the second part of the application, certainly we would oppose a proceeding today, obviously. We only received the application this morning. We don't have a formal view in relation to the proposition put by the AWU. As Mr Flanagan indicated, there has been some preliminary discussions with the Government. At those discussions, it was clearly indicated that any change such as this ought to be part of a State wage case to review State wage fixing principles.

PN216

We agree with what you say, that a matter such as this can't simply - or shouldn't simply be dismissed out of hand. However, it isn't appropriate to receive an application five minutes before the event, so to speak, and expect the parties to come together and have some sort of meaningful discussions and consultation or get agreement in relation to it.

PN217

THE PRESIDENT: Mr Flanagan of course has indicated that he understands the  
- - -

PN218

MR EVANS: Yes, I know. I am simply stating our position which - - -

PN219

THE PRESIDENT: - - - and that this isn't recorded yet.

PN220

MR EVANS: - - - I guess is echoing everyone else's in relation to it. We would have preferred to see this joined with the application right from the start to give the parties some time to consider it and perhaps come along here today in a position to make submissions in relation to it. We would certainly want sufficient time to consult with the parties to formulate a view from our perspective in relation to how wage fixing principles ought to be altered to accommodate, if at all, the proposal put by the AWU. Thank you.

PN221

THE PRESIDENT: That is fine, thank you. Did anybody else want to make some comment about - presuming you have seen the application. Mr McDougall? No?

PN222

MR McDOUGALL: No.

PN223

THE PRESIDENT: Mr Rice?

PN224

MR RICE: No.

PN225

THE PRESIDENT: Mr Hargrave?

PN226

MR HARGRAVE: No.

PN227

THE PRESIDENT: Right. Any response, Mr Flanagan?

PN228

MR FLANAGAN: Well, I think - unless I have misunderstood it, President - there will be a direction for parties to confer, and then arising from those discussions there will be some further direction from there. So we would simply be content to leave it at that. If it pleases the Commission.

PN229

THE PRESIDENT: All right. We will indicate to you that in respect of the applications made by the Trades and Labor Council, as they are both consent - and we once again congratulate the parties on the level of consent that has been reached - those applications will be approved. The only variation may well be the reference to the Building Award and the meal allowance claim. Those variations will come into effect from the first full pay period on or after 1 August this year. We have been doing them by general order the last couple of occasions. Does anyone have an alternative view, or do you wish to put in draft orders for each and every award?

PN230

MR COCKER: It would be our view that general orders would be the way to go.

PN231

THE PRESIDENT: Thank you. It makes my investment worthwhile. Well, maybe, subject to my discussions with Mr Hargrave. All right, we will issue the orders and hopefully they will be done.

PN232

DEPUTY PRESIDENT SHELLEY: Just to clarify, was it within seven days to notify whether or not Impact Fertilisers consents?

PN233

THE PRESIDENT: We haven't got to that yet.

PN234

MR WATSON: Excuse me, President. Given that - and obviously the decision has been taken to accept the application. It might be a good idea, if possible, if in the decision you can actually give some, for example, "work related allowances will be rounded off to the nearest 10 cents", and those guidelines, so as we know exactly what the standard would be when the orders are issued, because obviously as time moves on - in the past there has been some - - -

PN235

THE PRESIDENT: Has there? Right.

PN236

MR WATSON: - - - perhaps disagreement between the parties or even the Commission about how far they should move. It is not a big deal - - -

PN237

THE PRESIDENT: No, no, but it does create problems.

PN238

MR WATSON: - - - but I think if there is some guidance as to how it is - that would certainly be very helpful.

PN239

THE PRESIDENT: All right. If we set the guidelines as to how each of the increases are to take effect - - -

PN240

MR WATSON: Yes.

PN241

THE PRESIDENT: All right. In respect of the application by the AWU, dealing with the application to vary the wage fixing principles, the parties will be directed to have some discussions in respect of that and to report back to the Commission in due course as to the further progress in that matter. In respect of the applications to vary the Impact Fertilisers Enterprise Award and the Metalliferous, Mining and Processing Award, the parties - I think Mr FitzGerald will be given seven days to seek further instruction in respect of those two applications. In respect of the others, the variations will take effect as claimed. And in accord with the orders - you haven't given orders, have you? Are there orders in this file?

PN242

MR COCKER: No.

PN243

THE PRESIDENT: All right. Those variations will take effect and we will make them all from the same operative date, being 1 August, the first full pay period of August. All right. Unless any of the parties have anything else they wish to add, these matters are adjourned. We will adjourn sine die.

**ADJOURNED INDEFINITELY**

**[3.30pm]**

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EXHIBIT #TCCI 1 TASMANIA'S ECONOMIC OUTLOOK .....PN76