

DEPUTY PRESIDENT: Apart from Mr Clegg for whom I gave leave of absence on the last occasion, are there any changes in appearances in this matter? No. Perhaps you would proceed, Mr Nielsen.

5 MR NIELSEN: Mr Deputy President, further to our hearing on Wednesday, 19 March, I'm instructed by the TCOA to convey our thanks to you for the adjournment of these proceedings, from them, till today.

10 The TCOA secretary advises that consultations have now taken place with the TCOA executive and I'm now instructed to convey to you the agreement to the deletion of those classifications from clause 8 of the Custodial Officers Award.

Also, the TCOA expresses our concern at the lack of communication and consultations on this matter with the parties.

15 In conclusion, Mr Deputy President, it is not the desire of the TCOA to delay or draw out the proceedings of this industrial commission. Thank you.

DEPUTY PRESIDENT: Thank you, Mr Nielsen. Ms Watt?

20 MS WATT: The Minister's position remains unchanged as from the first hearing, Mr Deputy President. I just wish to thank the TCOA for now reaching agreement with the variation to the award. If the commission pleases.

DEPUTY PRESIDENT: There is nothing in the application which gives any indication to me of the operative date that you seek, Ms Watt?

25 MS WATT: If we may, Mr Deputy President, perhaps seek alignment with the operative date that we sought in the industrial agreement which I believe was the first full pay period after 1 January.

DEPUTY PRESIDENT: The first full pay period after?

30 MS WATT: Yes, the first full pay period commencing on or after 1 January 1997.

DEPUTY PRESIDENT: Mr Nielsen?

MR NIELSEN: Yes, Mr Deputy President, we are in agreement for that date.

35 DEPUTY PRESIDENT: Thank you, Mr Nielsen. In the circumstances, I intend to approve this application, it being consistent with the requirements of the Wage Fixing Principles and there being nothing in it that in my judgment contravenes the provisions of section 36 of the Act.

The award variation will take effect from the beginning of the first pay period to commence on or after 1 January 1997.

5 I do think that in the circumstances perhaps I should again emphasise the comments that I passed to the parties on the last occasion, that this is, notwithstanding the cooperation which the parties extend to each other, nonetheless a volatile area of employment. It does seem to me that it is quite undesirable that matters that are in their nature consent matters, should turn up at this commission in circumstances where consultation has been for one reason or another unsatisfactory and I think that goes not only to the removal of the classifications from 10 the agreement but in fact the otherwise minor matter of the operative date this morning indicates that there has been a lack of comprehensive consultation.

15 I direct the parties' minds to that to avoid it for the future because it is a source of hesitation and lack of confidence and ultimately it will lead to a sense of mistrust in future negotiations.

20 Those are small details and I don't sit here as a teacher admonishing you. I sit here as somebody who will be involved with you if you get into serious disputation and if and when that occurs, I hope it does not arise over some minor lapses in what I would look for in terms of comprehensive and thorough consultation.

That said, I confirm that I approve the application and conclude the hearing in matter T6820 of 1997.

**HEARING CONCLUDED**