

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T Nos. 5188, 5189 and 5190 of
1994

IN THE MATTER OF applications by the
Australian Liquor, Hospitality and
Miscellaneous Workers Union - Tasmanian
Branch to vary the Licensed Clubs Award,
the Hotels, Resorts, Hospitality and Motels
Award and the Restaurant Keepers Award

re classification rates and supplementary
payments

COMMISSIONER IMLACH

HOBART, 7 February 1995
continued from 9/11/94

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: Any changes in appearances? No. Right. Who's kicking off? Ms Hudson?

5 MS HUDSON: I think I am, Mr Commissioner. Well we're here today to present our final case in relation to this - the minimum rates adjustments in the three hospitality awards. So I presume I just go through our argument in terms of where we think we're at at the moment and our view of the case so far.

COMMISSIONER IMLACH: Yes. I was hoping you'd be telling me that all is settled and everyone is happy, Ms Hudson. Not so?

MS HUDSON: Unfortunately not, Mr Commissioner.

10 COMMISSIONER IMLACH: So you'll be pointing out where there is agreement and where there is not?

MS HUDSON: Yes, that's right.

COMMISSIONER IMLACH: Right, thank you. That's right, proceed, unless Mr Gates has got something to say or help us with before we get going.

15 MR GATES: I'm prepared to wait until the end, commissioner.

COMMISSIONER IMLACH: Right.

20 MS HUDSON: Thank you. If the commission pleases, the hearing today is the continuation of the case to insert appropriate minimum rates and associated relativities into the three state hospitality awards, as determined for the federal parent award, which is the Hotels, Resorts and Hospitality Industry Award. It will be useful, I guess, to briefly recap on the basis for the case and developments to this point in time.

25 As we've highlighted in previous submissions, Commissioner Merriman in his decision of the 10th June 1994, which was presented as exhibit H.7 at our previous hearing, established new relativities for classification levels contained in the federal award in question. Subsequently variations were made to the classification definitions and minimum rates to reflect this. These variations were agreed to by the industrial parties, employers and employees, and the consent order of the 22nd July '94, reflects this. And I don't think previously this exhibit has been presented, Mr Commissioner, but it's a copy of the federal consent order. So I'd like to just table that.

30 COMMISSIONER IMLACH: Yes, Ms Hudson, when you referred to the variations consented on the 22nd July '94, they're federal, were they?

MS HUDSON: Yes. So this is a copy of the federal consent order.

COMMISSIONER IMLACH: Right, thank you.

MR GATES: Is that the 22nd or the 27th? The 22nd.

35 MS HUDSON: Yes.

COMMISSIONER IMLACH: And you're able to advise me as to what number we should put on this Ms Hudson?

MS HUDSON: I think we're up to 9, so I guess it will be exhibit H.9.

40 COMMISSIONER IMLACH: Are we all sharp on that, all agree with that, do we? Right, exhibit H.9. Thanks, Ms Hudson.

MS HUDSON: These minimum rates adjustments introduced into the federal award were basically the final step in the restructuring of the award. The union argued successfully that the structural efficiency process in the award had not been completed and that the previous four minimum rates adjustments had only established interim rates and relativities pending the finalisation of a proper case under the structural efficiency principle.

The proven claim was that the federal award had never had its rates of pay determined in relation to other awards in other industries. The employers had struck relativities which they believe were appropriate to the industry, but the proper determining of these rates in relation to the Metal Industry Award and other relevant awards had not been done by the commission.

As we previously pointed out in exhibit H.7, Commissioner Merriman states on pages 1 to 2: On any examination of the award as it currently stands, the wage relativities are inconsistent with minimum rates awards made as a result of the application of the August 1989 National Wage Case decision.

Further, the commission accepted the ACTU and union argument that the relativities established were done so on an interim basis following the broadbanding exercise and a classification evaluation process. The established nexus between the federal award and the three state hospitality awards is a major justification for the insertion of the new minimum rates and subsequent classification changes into the state awards.

This nexus is reflected in the similarity in classification structures between the federal and state awards, ie definitions, same rates and relativities. This, plus further structural efficiency matters, were instigated at the federal level and adopted into the state awards by agreement. The classification structures in each award were amended to incorporate changes in the federal award that allowed better career paths, multiskilling et cetera.

partly disputed

Mr Sherry, former secretary of the Liquor Trades Union, the former Liquor Trades Union, pointed out in the commission in March '91, which was highlighted in exhibit H.8 previously presented, on page 28, that: In respect to the wage relativities that were incorporated into the federal award, they were 'without prejudice'. There may be some variation.

Therefore the parties at that time, in accepting the wage relativities inserted in the federal award, were also aware that they were interim relativities. The nexus was only confirmed recently in the case which culminated in the reductions in penalty rates for employees covered by the three hospitality awards in this state. The TCCI argued at the time that the nexus between the federal and state awards and the parties' acceptance of it was grounds to flow on a reduction of penalty rates to these awards.

In the penalty rates case, for example, former TCCI advocate Stuart Clues argued that essentially the primary justification for the variation is that there's always been argued that the state hospitality awards have a direct nexus with the federal Hotels Award. This was pointed out previously, Mr Commissioner, in exhibit H.6.

The current TCCI advocate, Steven Gates, reinforced this view in the continuation of this case, which is exhibit H.10, which we've got copies of, which is basically the transcript of the proceedings of the hearing on the 4th October last year.

COMMISSIONER IMLACH: H.10.

MS HUDSON: In the transcript of those proceedings, Mr Gates said that:

Given the nexus between the federal Hotels, Resorts and Hospitality Industry Award and the respective state awards it was recognised by the parties that the outcome of the federal decision would be a persuasive test case and to duplicate the argument in the State Commission would have been an exhaustive process.

5 I guess this in itself is an interesting comment considering Mr Gates is now encouraging an exhaustive process, despite the fact that the federal decision on minimum rates was argued federally over a long period and is most definitely a persuasive test case. Apparently the duplication of arguments is okay when it suits employers.

10 On top of this fairly selective amnesia, Mr Gates has also forgotten the nexus which is apparently very important when the reduction of conditions is on the table. Another interesting fact considering this comment from the same transcript, is that:

15 *The union has relied upon the nexus with the federal award extensively in the past years to introduce variations into the awards, and this nexus has been recognised by the commission in the past and in its justifications for variations that have been sought by the union.*

20 Well we could probably say that that reliance is mutual. We'd like now to recap developments in the case so far. After several hearings, the TCCI propose site inspections to further the arguments of their case. After a month of these inspections we must say that they were perhaps a useful - were useful as a familiarisation for the commissioner.

25 We have continued negotiations with the parties up until this hearing day. It is still our position that considering penalty rates was a structural efficiency matter and was implemented on the 1st December 1994, that the appropriate minimum rate should be inserted into the awards as soon as possible to ease the hardship felt by employees who work in a low wage industry anyway.

COMMISSIONER IMLACH: I'm sorry to interrupt, Ms Hudson. When you say 'appropriate minimum rates', would I be correct in saying in the appropriate new minimum rates?

30 MS HUDSON: Yes.

COMMISSIONER IMLACH: Yes.

MS HUDSON: Yes, that's the -

COMMISSIONER IMLACH: Do you think you could remember to say that in future?

MS HUDSON: Sorry.

35 COMMISSIONER IMLACH: No, I mean, I want to get it clear myself. It's my understanding and I get very confused; so if you can.

MS HUDSON: Yes, Mr Commissioner.

COMMISSIONER IMLACH: Right, thanks, Ms Hudson.

40 MS HUDSON: As put forward by the Federal Commission in the August 1989 National Wage Case decision, it was said at the time that: To achieve a proper and lasting reform of the awards it is essential that the structural efficiency exercise and

the proper fixing of minimum award rates is treated as a package. It would seem a proper and lasting reform of awards isn't something the TCCI is aiming for.

5 With reference to our previous submissions, it is obvious that our reliance in this particular case is on, firstly, the decision in the federal award, the nexus between the federal award and the state hospitality awards, thirdly, the commonality of classification definitions and structures between the federal and state awards and the union's previous acceptance of the interim basis of the relativities established federally and their obvious relevance to the Tasmanian awards.

10 We perhaps naively assumed that these would be enough considering they closely mirror the principles argued by the TCCI in the penalty rates case. However, Mr Commissioner, we have had successful discussions with the advocates from the Registered Clubs Association and have an agreed position with them on the new minimum rates adjustment for the Licensed Clubs Award. This involves the adoption of the new relativities and subsequent amendments to the minim rates and classification definitions to flow from the federal decision and consent order, but a phasing-in period of four increases over 18 months commencing from the 1st March 1995.

20 Six-monthly increases will apply with the adjustments ending 1st September 1996. This agreement is reflected in exhibit H.11, Mr Commissioner, which I have copies of here, which is basically a copy of correspondence to the Registered Clubs Association advocates, plus agreed draft orders and an implementation schedule.

COMMISSIONER IMLACH: H.11.

25 MS HUDSON: So just to recap on that, commissioner. That's the copy of the agreed phased 6-monthly increases within the Licensed Clubs Award that has been discussed with the members of the Registered Clubs Association.

30 The draft orders previously submitted under H.1A and H.1C, they were in relation to the other two hospitality industry awards, which is the Restaurant Keepers Award and the state Hotels and Motels Award, still stand in terms of our draft orders but which includes a 12 month phase-in for those two awards but with a new operative date of the 1st March 1995.

The 18 month phase-in for the Licensed Clubs Award is due to the different circumstances that the management in licensed clubs are under in terms of their subscription system that they have. So we have taken that into account with our 18 month phase-in for those four employees under that award.

35 In conclusion, I'd like to say that the TCCI has now delayed this case for 4 months, which was the length of delay that we requested in the penalty rates case. And at that time the commissioner chose to determine the penalty rates case considering the delay, and we would like to request that consideration be given by the commissioner to do the same in this case.

40 Considering, firstly, the agreement between the Registered Clubs Association and the union. Secondly, the unwillingness of the TCCI to accept the federal decision, and its obvious hypocrisy in opposing the principles on which this case should be argued. And, thirdly, the delay since the decision and our initial application. If anything, the TCCI should be instructed to keep its arguments relevant to the case, which we all know is difficult because they can't argue against the principles which we base our case on because they themselves helped establish them.

45 And that's our submission for today, Mr Commissioner.

COMMISSIONER IMLACH: Yes. Just to get it clear in my own mind, Ms Hudson, that last point that you made, you sought the commission to do the same in this case as it did in the other case, meaning -

MS HUDSON: The penalty rates case.

5 COMMISSIONER IMLACH: - confirm the nexus and so on. Is that what you were saying?

MS HUDSON: Yes, Mr Commissioner. And taking into account that the delay in terms of our application has now been the same length of time that the - of the delay in the TCCI application for the penalty rates case.

10 COMMISSIONER IMLACH: Is it the same length of time, is it?

MS HUDSON: Yes, 4 months.

COMMISSIONER IMLACH: I thought the other one was even longer.

MS HUDSON: In terms of our requested delay in the penalty rates case, which we discussed with the TCCI, which was 4 months.

15 COMMISSIONER IMLACH: All right. Now in your - you relied on, as I have noted here, I hope, the federal decision, the nexus, the similarity between the state and federal awards, is that right?

MS HUDSON: Yes, the commonality of the definitions within the classifications and the structures within all those hospitality awards currently.

20 COMMISSIONER IMLACH: Right, thank you. And one other point, if I can find it. Yes, the Licensed Clubs was 18 months. What were the other two? What were they?

MS HUDSON: Twelve months.

COMMISSIONER IMLACH: Twelve months. And the draft orders for the others, I already have. Is that correct?

25 MS HUDSON: Yes, Mr Commissioner.

COMMISSIONER IMLACH: And the operative date is in the consent order - not - in the order.

MS HUDSON: Yes.

COMMISSIONER IMLACH: Consent order for the -

30 MS HUDSON: Yes, operative date the 1st March 1995.

COMMISSIONER IMLACH: And you're applying for that for the three awards?

MS HUDSON: Yes, Mr Commissioner.

COMMISSIONER IMLACH: Good, thanks, Ms Hudson. Mr Gates?

MR GATES: If we could take a short recess for 10 minutes, commissioner?

35 COMMISSIONER IMLACH: Yes. Before we do, Mr Gates - we'll just go off the record for a minute, please.

OFF THE RECORD

MR JOHNSON: Do you wish me to confirm what the union, sir, at the -

COMMISSIONER IMLACH: I think it would be a good idea, Mr Johnson, yes.

5 MR JOHNSON: We did have meetings, both Mr Crossin and myself, with the union.
And there appeared to be only two great points, and that was this number of hours
-

COMMISSIONER IMLACH: Just a point, are we on the record?

MONITOR: Yes, we are, Mr Commissioner.

COMMISSIONER IMLACH: Good.

10 MR JOHNSON: Oh, I'm sorry.

COMMISSIONER IMLACH: No, that's all right; we're on the record.

MR JOHNSON: Oh, right.

COMMISSIONER IMLACH: Is that all right with you, Mr Gates, or are you going first?

15 MR GATES: Oh, no, Mr Johnson can go.

MR JOHNSON: It was the number of hours in the introductory level and instead of a period of time, of a monthly time, we did have discussions with this and we support the union's view that there should be more full time employees involved in the industry than casuals. Now 494, I think, was the number of hours suggested in the introductory period, would only really be supporting casual employees.

20

Discussing this the period we understand there it can be extended for another 3 months after this introductory period we're talking about at the moment - can be extended if the employer is not happy with that 3 months period, subject to discussions with the employee and the employer and the union. And we understand that they would look at each case, sir, of course, on the merits but give favourable consideration for an extension of the extra 3 months, if needed. In all my experience I've never come across anyone that's needed this extra 3 months, but anyway we have to put it in in case there is a problem.

25

The other situation was a further classification, I think, at 2(e) or 2(a) or 2(b), put in by the TCU - UI - anyway -

30

MR GATES: TCCI.

MR JOHNSON: There was a further extension in the classifications. Our committee and the industry in general don't really support all these jolly classifications. You nearly have to be a Philadelphia lawyer now to try to work out, as an employee or an employer, all the different classifications that now apply.

35

COMMISSIONER IMLACH: You don't have to tell me, Mr Johnson. I agree with you one hundred percent.

MR JOHNSON: Even so, sir, you know with the wording of it, they keep on repeating the same thing in the different classifications. Surely in the near future we should be

having a look at this and making it much easier to be read by the common man, including myself.

COMMISSIONER IMLACH: You're a breath of fresh air, Mr Johnson.

5 MR JOHNSON: But, you know, it's repetition and trying to find out an employee - trying to battle on his own, I think he'd have a hell of a job. So we're not supporting a further extension of another classification to go to - I think it was 2(1) or 2(b).

10 Finally, I don't think the union did agree with the schedule, attachment A, about this period of 18 months, in the original. When they came to our meeting they weren't happy with that, but compromised as a means of agreeing that, right, if we conceded on one point then they would concede on the other.

So with the draft order, sir, that's been submitted - the Licensed Clubs, which our association represents over 160 clubs in the state, we fully support the draft order.

COMMISSIONER IMLACH: For the Licensed Clubs Award.

15 MR JOHNSON: For the Licensed Clubs - yes, are you dealing with all awards, sir - these three at the one time now?

COMMISSIONER IMLACH: Well I hope so, Mr Johnson, yes. Oh -

MR JOHNSON: Could you ask that if you're going to deal with the three, if the one affecting the clubs dealt with, that I may be relieved?

20 COMMISSIONER IMLACH: By all means, Mr Johnson. But perhaps you might have a word with Mr Gates while we're having the adjournment just to see how he feels about everything. All right?

MR JOHNSON: Thank you.

COMMISSIONER IMLACH: Thanks, Mr Johnson. Now did you want that adjournment, Mr Gates?

25 MR GATES: Yes, if you'd please.

COMMISSIONER IMLACH: Take as long as you like. We're adjourned until I hear from you.

SHORT ADJOURNMENT

30 COMMISSIONER IMLACH: Right. Now as I understand it, the union has completed and we're to hear - we've heard from Mr Johnson and we're to hear from Mr Gates. Is that correct? So that's your primary submissions.

MS HUDSON: Yes, Mr Commissioner.

COMMISSIONER IMLACH: There's nothing else except a response to what you hear from Mr Gates.

35 MS HUDSON: No, that's correct.

COMMISSIONER IMLACH: Okay.

MR JOHNSON: Sir, I just want to say one thing. We want to strongly emphasise we want this matter cleared up as soon as possible. It's been going on too long within the industry.

COMMISSIONER IMLACH: Yes, well -

5 MR JOHNSON: We strongly support a decision.

COMMISSIONER IMLACH: Yes, well that's fair enough, Mr Johnson. But you understand that Mr Gates has to be allowed to put his response and to put his case.

MR JOHNSON: The other thing I have to say, sir, I am - unfortunately I will be unable to here this afternoon.

10 COMMISSIONER IMLACH: Right. Well we'll see what falls from Mr Gates before we see how we go with that.

MR JOHNSON: Thank you.

COMMISSIONER IMLACH: Mr Gates?

15 MR GATES: Thank you, commissioner. Just by way of general comments on some points raised by my colleagues, Commissioner Gay handed down the penalty rates decision on - as my notes recall, from the 6th May 1993. We did not receive this decision in operation until the 1 December 1994, which is some 18 months after the federal decision, or 19 months after the federal decision.

20 In contrast, the consent - and I say consent variation to the federal award re the new minimum rates adjustment, was handed down on the 22nd July '94. And even at today's date is only some 6 months after the decision. We compare this to the 19 months for the penalty rates case.

25 My colleagues further in their submissions refer to the nexus with the federal award, and they refer to submissions of both the TCCI and the union have previously led. The fact is there was no - and I repeat - no evidence led by those parties as to how and on what basis there is a nexus. It is and was simply a submission put by the parties.

30 The primary basis for inserting the penalty rates decision is, firstly, that it was an interim arrangement pending a test case, and 2) that the union had said they would cop the decision sight unseen. A secondary submission was nexus. Now obviously there exists a direct nexus to the state Hotels and Motel Keepers Award. But no direct nexus exists in so far as the remaining hospitality awards go.

Sure, the various -

COMMISSIONER IMLACH: What was that again, Mr Gates?

MR GATES: Sorry?

35 COMMISSIONER IMLACH: What was that again, that last point?

MR GATES: That no direct nexus exists in so far as the remaining hospitality awards go.

COMMISSIONER IMLACH: Well just get that clear now. We've got three awards before us and you're -

MR GATES: There's a direct nexus with the - what I refer to as Hotel and Motel Keepers Award, which is entitled Hotels, Resorts and Hotels Hospitality and Motel Keepers Award, I think. Or Hotels, Resorts and Motel Keepers.

5 And I'll go on. Sure, the various parties have said such in the past, but they have
stopped short of saying it is a direct or formal nexus. And it has never been led as
evidence in the past before the commission and never has there been a decision issued
on that base. What has occurred is that on restructuring the parties based the
classification structure on the federal descriptors. I am not aware of anything - and
10 the union has not led as evidence before the commission - where it was agreed that
the classification structure may change at some later stage.

Therefore the commission has no evidence before it to make a decision based on either
nexus or changing the present award classification structure. Indeed it is open to
suggest that this application is not even in accordance with the Wage Fixation
Principles. And certainly there's been no evidence led us to that.

15 What is apparent today is it could be said that we've been ambushed once again by
appearing to put before the commission final submissions. Indeed, and as I note, that
if that were then they have not put evidence before the commission supporting the
submissions. It merely seemed a recounting of where we were to date and an emotive
plea.

20 It was said to me as late as yesterday afternoon, that these proceedings were to be for
mention. And on discussion, we referred - that is the union and myself - to me calling
witnesses and leading substantial submissions. It was agreed to my recollection, and
understanding, that at this proceeding we were to establish where we go from here.
Certainly let's both of us - sorry I'll start again. It was certainly not: Let us both put
25 our case and see who wins.

It is my submission that this proceeding be for determining a strategy from here
forward or a confirmation that we are operating in accordance with exhibit G.1, which
was led before the commission, which sets in place a series of activities and dates. If
that is so, then surely must be on formal submissions ALHMWU, which on that
30 document was set down for the 10th January and the 11th January 1995, and at
which point the TCCI then puts its submissions approximately a week later.

I note at this point, commissioner, a comment from yourself, for which my notes have
having occurred on the 26th October '94, and it was to my recollection said, that if at
the end of the day TCCI cannot substantiate our claims and it appears merely as a
35 delaying tactic, then you may backdate the operative date. It was also said that when
any new classification or change to a classification structure is made, the employer
has the right to say what should be - sorry. The employer has the right to say they
should be as this, because we engage people under the classifications and this is what
we wish to use.

40 That all links, sir, back to today's proceeding and we submit that the parties should
work according to exhibit G.1, which, as I understand it, was agreed between the
parties. It certainly wasn't, to my knowledge, absolutely disagreed and thrown out. MS
HUDSON: That's a good one.

MR GATES: And even so we've been working in accordance with those, although we
45 note your comments that the dates are merely indicative and certainly not conclusive
of when certain events should have occurred by. We submit that these proceedings are
to determine the process from here forward and we also submit that there are major
problems with the union's draft order. And as an indication of those the union is
saying, in essence, that the federal decision as it is - sorry, the union is saying, in

essence that we want the federal decision as it is. And yet if you look closely at their orders, their draft orders, what they are doing is somewhat different to that.

For example, they have inserted bits and pieces from the old structure which was not in the federal decision and they have slipped in a keno operator at level 3. And I'm not aware that this position or type of work has ever been subject to a work-value exercise or consent between the parties. Furthermore there would appear to be duplication between various levels. And we're not satisfied that that is in the interests of the state. It certainly would appear to be rather confusing.

And further that we submit there are valid reasons as to why the federal decision should be varied in Tasmania to reflect other things such as hours versus months, that new employees completing level 2 duties, for example, cannot go to introductory level nor level 1, but have to go straight in at level 2 with absolutely no experience. We believe that's a major issue.

We also submit that level 2 - a new employee requires training and they're all not accounted for in the present structure. Also there's a duty in there which I believe stated at level 2 which is one of attending a snack bar or counter. Now if we look at one of the previous draft orders submitted by my colleagues, then also in at level 1 there is a provision which says: Service to customers in a takeaway establishment. Now if attending a snack bar or counter is not the same as that, but in a different level, that just goes to the confusion of it all.

Also there's doubling up in areas which we've talked about before and there's other grounds which I submit have got major problems with and should be the focus of proper submissions before the commission.

In conclusion, what we are submitting today is that we do not give our consent nor support to my colleague, Mr Johnson's, consent of inserting the decision into the Licensed Clubs Award. And be noted that the Tasmanian Chamber of Commerce and Industry is a party to that award.

We submit there is no evidence before the commission which would lead to a decision today. We further submit that there are no submissions as to whether this meets the Wage Fixation Principles. And finally, to arbitrate on today's date is not in the public interest, nor is it in accordance with procedural fairness, as we will be prevented from calling witnesses to give evidence and leading substantive submissions. We therefore seek that the parties agree to a process which can see this matter dealt with in an expeditious and concise manner. If the commission pleases.

COMMISSIONER IMLACH: Yes, well before I hear the other side, Mr Gates, if I accept what you say we'd want to get going, would we not?

MR GATES: Certainly, commissioner.

COMMISSIONER IMLACH: And you're agreeable to that, are you?

MR GATES: I would agree to substantive submissions being put on the week after the 16th and 17th February. And the reason for that, sir, I've got a major trial coming up before the industrial court on those days, which will require me to develop submissions on remedy for the state system. It's also before Justice Northrop as a matter on review. I also have a consultancy to develop some material for an industry and that is falling due about this time. And the only time I could devote my attention to this case properly would be, I submit, after the 16th/17th February.

COMMISSIONER IMLACH: Yes. Mr Gates, you would have been aware, would you not, of some of these deficiencies, if that's the word, in the union's submissions before today, wouldn't you?

MR GATES: Yes, sir.

5 COMMISSIONER IMLACH: Couldn't you have been ready for them today?

MR GATES: Well it was my understanding that we were setting in place where we were going from today, that it was for mention.

COMMISSIONER IMLACH: Yes. Perhaps we'll just go off the record for a minute, thanks.

10 **OFF THE RECORD**

COMMISSIONER IMLACH: Yes, all right then. Thanks for those discussions and advice. Mr Gates has indicated that he's ready to put his full and final case during the week after the 16th and 17th February. He may, of course - he did make mention there of witnesses or whatever. Well that's your prerogative, Mr Gates, to do that as completely as you think fit. But no doubt the union and Mr Johnson and myself would like to have some idea of that before we get to that day.

So we're looking at the week after. Now what do we say? Perhaps if I lead off. That's the week commencing the 20th February. I'll give you some dates. From the 21st to the 24th I'm available, that's 4 days. How about you, Mr Gates?

20 MR GATES: The 21st I have a hearing at 10.30 for the Roadmakers. And then I have a meeting from 11.00 to 1.00.

COMMISSIONER IMLACH: Well do you want to -

MR GATES: Wednesday, I'm free. Thursday, I'm free. Friday, I've got a conciliation conference.

25 COMMISSIONER IMLACH: What about Wednesday and Thursday?

MR : Wednesday, I'm okay.

COMMISSIONER IMLACH: How long is it going to take us, Steven? Are we off the record?

MONITOR: No, we're on the record.

30 COMMISSIONER IMLACH: We'll go off the record, thanks.

OFF THE RECORD

COMMISSIONER IMLACH: All right, well I thank you all for that. This hearing will reconvene at 2.00 pm on Wednesday the 22nd February and then, if necessary, continue the next day commencing at 10.30 am until completed. Thank you. This matter is adjourned.

HEARING ADJOURNED