



TASMANIA

*Tasmanian Industrial Commission*

Industrial Relations Act 1984

T No. **9650 of 2001**

**IN THE MATTER OF** an application by  
the Shop, Distributive and Allied  
Employees Association, Tasmanian  
Branch to vary the Hairdressers Award

Re: first minimum rates adjustment

COMMISSIONER IMLACH

HOBART, 13 August 2001

**TRANSCRIPT OF PROCEEDINGS**

Unedited

**(WOULD PARTIES PLEASE READ THIS TRANSCRIPT CAREFULLY)**  
**(ANY QUERIES SHOULD BE DIRECTED TO THE COMMISSION WITHIN 14 DAYS)**

**HEARING COMMENCED 10.35am**

COMMISSIONER: I'll take appearances.

**MR P. GRIFFIN:** Good, thank you, Mr Commissioner. I appear on behalf of the Shop Distributive and Allied Employees Association,  
5 Tasmanian Branch - GRIFFIN P.

COMMISSIONER: Thanks, Mr Griffin.

**MR F. IRELAND:** FORBES IRELAND, if the commission pleases, appearing on behalf of The Hairdressing Federation of Tasmania and appearing with me **MR TONY STEVEN.**

10 COMMISSIONER: Thanks, Mr Ireland.

**MR A. FLOOD:** Thank you, commissioner, ANDREW FLOOD from the Tasmanian Chamber of Commerce and Industry.

COMMISSIONER: Thanks, Mr Flood. Yes, Mr Griffin?

15 MR GRIFFIN: Good, thank you, Mr Commissioner. This matter, as you're aware, is the first minimum rates adjustment in respect of the Hairdressers Award. I should mention first off, there are two issues here which I'd like to bring to your attention, obviously the first issue being the application to have the first MRA implemented, but also I did send through an application in respect of the safety net increase which  
20 was awarded recently to awards in this state.

COMMISSIONER: You're just seeking to amend your application to add that are you, Mr Griffin?

MR GRIFFIN: Yes, I am, please. I did actually send an application through late on Friday which may not have got through to you. -

25 COMMISSIONER: Yes, it did.

MR GRIFFIN: That is in line with an agreement that I've had with Mr Ireland in respect of The Hairdressing Federation that that be implemented in three months' time which is 1 October as I understand.

30 COMMISSIONER: Yes, all right, I'll hear what the other parties say to that amendment first thanks, Mr Griffin. Mr Ireland?

MR IRELAND: If the commission pleases, in view of the fact that my name has already been mentioned in this matter with regards to the amending of the SDA's application, The Hairdressing Federation of  
35 Tasmania support that amendment.

COMMISSIONER: Thanks, Mr Ireland. Mr Flood?

MR FLOOD: Yes, commissioner, Mr Griffin did speak to me on the telephone, I think it was on Friday of last week, in relation to his intention to also lodge an application perhaps for hearing today regarding the \$15 safety net adjustment. My understanding of this award, commissioner, is that the previous safety net adjustment commenced on - was applicable from 1 January of 2001. The consent between Mr Ireland and Mr Griffin as to the operative date for this \$15 safety net is fine, commissioner.

I'm not sure that I can give my consent to that, however, my understanding is that the safety net adjustment was to apply from 12 months from the previous safety net adjustment unless the parties agreed otherwise. Whilst not closing the book on that, commissioner, I think we can probably discuss it in view of the main application before you today which is to review this award and subsequently to increase wage rates in line with the minimum rates adjustment processes that have been undertaken in other awards and we may be able to agree on a schedule for wage increases tying it all in together.

COMMISSIONER: Yes, thanks, Mr Flood.

MR FLOOD: But at this stage, commissioner, I've got to say that we can't give our consent to an operative date, I think it was, in October.

COMMISSIONER: No, but what about - I understand that and don't dispute that with you at present, but all Mr Griffin is seeking at the moment is to amend his application. You wouldn't oppose that would you?

MR FLOOD: I'm not sure that he was seeking to amend his application or whether he's put in a new application, but whichever he is doing I consent to that, yes.

COMMISSIONER: Yes. No, as I understand it, he's seeking to amend the application that's before us with that safety net adjustment proposal.

MR FLOOD: I've no concern with that.

COMMISSIONER: Good. Thank you. Yes, Mr Griffin, I'll agree to the amendment, yes.

MR GRIFFIN: Good, thank you, Mr Commissioner, I think that's the appropriate way to go and alternately I will withdraw that application as I mentioned that was put through to the commission on Friday in respect of that now there is an agreed position in respect of amending this application as it now stands with the minimum rates adjustment.

COMMISSIONER: Yes, but the amendment is to add to what you've already claimed - a proposal to increase the award by the amount of the safety net adjustment of the State Wage Case 2001. Correct?

MR GRIFFIN: That's right.

80 COMMISSIONER: We've only got that far yet, Mr Griffin, we've sought to amend the application. I've agreed. The parties have agreed it be amended. Now you have to convince us all.

MR GRIFFIN: I understand. Good. Thank you, Mr Commissioner. Firstly, we will deal with the application as it stood in respect of the minimum rates adjustment and as we go into that I'd like to perhaps  
85 give some history in respect of why we are here today and how that has come about.

Initially, over the years, there has been negotiations and talks with the TCCI in respect of coming to an arrangement as far an agreement goes with the hairdressers in Tasmania and on these occasions we never  
90 really ended up with an agreement although we did try, as I say, on several occasions.

Subsequent to those talks, we sought to get some wage increases for employees covered by the Hairdressers Award and that was to implement a process - the minimum rates adjustment process - and I  
95 spoke with the TCCI as late as last year in respect of where we go to from there, and that was with Mr Mark Watson and, as I understand, he is manager of the industrial system at the TCCI and he said that the TCCI didn't have, or had very little to do with, representation of hairdressers in the state as to what they used to have and suggested I  
100 talk with Mr Tony Steven from the Retail Traders Association, which I did, and then that was then handed on to Mr Forbes Ireland who looks after their industrial matters and his consultation with the industry has found that the minimum rates adjustment be implemented into the award under a specific process in accordance with any other safety  
105 net increases that came about during that time.

We have come to an agreement in respect of how this process is put in place, and as I understand, this was actually put before this commission on 21 December 2000 and it was agreed that the  
110 minimum rates - the first minimum rates increase - would come in, I think it was on 1 July 2001, and then followed by subsequent increases of the second, third and fourth adjustments at six monthly intervals.

We therefore have the first minimum rates adjustment available from 1 July this year. This is what we are applying for. I have spoken to  
115 several employers within the industry and as I understand there are a number of those employers who have already put in place those particular increases, and as I say, I stipulate again, that it was agreed within the federation that that first increase come in on 1 July.

I have sent through to you a draft copy of the increase of what has  
120 been proposed and I'm able to hand this up again to the other parties in respect of what that increase is, Mr Commissioner.

COMMISSIONER: **EXHIBIT G.1.**

MR GRIFFIN: Mr Commissioner, as we turn the page you will see the new structure and you will notice how it is now varied from the way  
125 the award is structured at the moment. Because of this process being implemented you will see there are now two columns underneath the supplementary payment column, and supplementary payment column A details what amount is put in in respect of the minimum rates adjustment process for those particular classifications. Supplementary  
130 payment B column - that is the safety net increase column that has flowed into this award over the past years, the last being, as I mentioned earlier, 21 December 2000.

We then have the weekly wage rate which brings out the total rate for those employees under their particular classifications.

135 As we go through the column there isn't anything further that I don't believe I have to bring to your attention other than the fact that although the pages aren't marked, we do come - probably the fourth page in where it has two apprentices and you will note there that we have the rate of apprentices there from that first year at 42 per cent.

140 Now I think that maybe I put to you, Mr Commissioner, that we may have to alter that terminology in this particular clause as apprentices - as the National Training Wage has now been put in place and has been adjusted and there is a term now and the terminology is 'for trainees'. Now I would consider that we may need to alter or vary this particular  
145 section or subsection of this particular section in respect of apprentices being replaced with the word 'trainee'.

COMMISSIONER: And has that all been discussed and settled?

MR GRIFFIN: I've only spoken with Mr Ireland in respect of this, Mr Commissioner, and I must apologise to Mr Flood because that was an  
150 issue I failed to raise with him last Friday.

COMMISSIONER: Yes, well we might discuss that a bit later on.

MR GRIFFIN: Okay. Other than that, as I submit, Mr Commissioner, they are the rates that would apply once this minimum rates adjustment is approved and put in place and I would submit, Mr  
155 Commissioner, that as agreed amongst the parties on 21 December 2000, that these rates take place from the first full pay period on or after 1 July 2001.

COMMISSIONER: About the safety net adjustment, Mr Griffin, we may as well talk about that now.

160 MR GRIFFIN: Okay. I'd anticipated we'd deal with this and then go on to that. I do hand up, Mr Commissioner, a draft copy of what the rates will now be following the minimum rates adjustment and you will

see there that the supplementary payment column is now varied to increase.

165 COMMISSIONER: **EXHIBIT G.2.**

COMMISSIONER: What's the amount, Mr Griffin?

MR GRIFFIN: The amount is \$13 in accordance with the federal increase that was supported by the Tasmanian commission.

COMMISSIONER: And what's the date of operation?

170 MR GRIFFIN: The date of operation will be 1 October 2001.

COMMISSIONER: Is that the actual date or first full pay period?

MR GRIFFIN: I do apologise - on or after the first full pay period of 1 October.

175 COMMISSIONER: Yes. Now, I understand that you have agreement with one party but not the other as yet and you're proposing 1 October 2001 which is about three months short of the 12 month period. What do you say about that?

180 MR GRIFFIN: Well, as I put to you, Mr Commissioner, firstly, that it was agreed on 21 December, and as I understand by all parties even though I wasn't present at that time. The matter then was dealt with by the assistant secretary, Pat Noonan, on that date I mentioned. However, I understand that it was put up on that time that the safety net increase that came in would be adjusted so as it wouldn't fall at the same time as to when the first or the second minimum rates application came into place and I suppose it's actually giving a little bit of leeway to those in the industry not to affect them too harshly of having to pay two increases on or around about the same time.

190 But I should mention that those employers or those in the industry haven't been affected very harshly at all over the years because we're now applying something that perhaps could have been applied some years ago.

COMMISSIONER: Yes, well we won't go into that, will we Mr Griffin.

MR GRIFFIN: Not any further, no, Mr Commissioner. No.

195 COMMISSIONER: Have you got the commission's principles in front of you, Mr Griffin?

MR GRIFFIN: I don't believe I have, but from memory I do -

COMMISSIONER: No, I'll just read out the one that we're concerned about. Principle 5 - Arbitrated Safety Net Adjustment.

200 5.1 All wage rates in awards (including junior, apprentice and  
trainee rates) on a proportionate basis may be varied from time to  
time to include arbitrated safety net adjustments in accordance  
with determinations of this commission.

205 5.2 The amount of any arbitrated safety net adjustment is to  
be reduced to the extent of any overaward payment currently  
being paid by an employer.

5.3 The safety net adjustment will only be available where the  
rates in the award have not been increased other than by safety  
net adjustments or as a result of the minimum rates adjustment  
or work value changes principle since November 1991.

210 Now it doesn't say anything there about operative date, does it?

MR GRIFFIN: No, it doesn't.

COMMISSIONER: Right, well have you got anything else to say, Mr  
Griffin?

215 MR GRIFFIN: Well, just to the fact that as I understand what was  
put before the commission on 21 December and also the fact that as I  
understand with the major players within the award, we come here on  
a consent basis and the fact that we have agreed to the increases in  
both spheres that I've mentioned that they be put in place to the dates  
that I have submitted to you that the increases take place.

220 COMMISSIONER: Yes, thanks, Mr Griffin.

MR GRIFFIN: Thank you, Mr Commissioner.

COMMISSIONER: Now who is next?

225 MR FLOOD: I'll have a crack at it thank you, commissioner. It is true  
to say that the TCCI now is a minor player in who we represent in this  
industry but we do have members, commissioner, and those members  
are entitled to proper representation as well as anyone else in this  
industry.

230 In my view, commissioner, the application or perhaps the hearing  
before you today for this application is somewhat premature. The TCCI  
has had virtually no contact from the SDA in relation to this  
application. I do have some concerns about implementing a minimum  
rates adjustment process when the structural efficiency principle that  
the minimum rates adjustment process is based on hasn't even been  
addressed.

235 The problems, commissioner, that the TCCI has with this particular  
proposal by the SDA is firstly that there are trade-qualified persons,  
for example, holders of a principal's certificate. It has a relativity - a

240 proposed relativity of 105 per cent. The existing definition, commissioner, of the holder of a principal's certificate requires no qualifications over and above the base trade rate and yet the proposal is seeking to have them paid at 105 per cent.

245 So the only difference, commissioner, between the holder of a principal's certificate and the holder of a hairdresser's certificate which is the base trade rate under this award is that the holder of a principal's certificate must have had at least two years' trade experience.

250 Secondly, both the existing award definitions for trade-qualified persons and under the proposed structure, the classification structure - the definitions - relate to training in male or female hairdressing and in my understanding, commissioner, that hasn't been available in Tasmania for many years now. Apprentices or trainees are these days trained in male and female and in my view the classification structure in the existing award doesn't properly reflect the training that's provided to them.

255 There are some other issues, commissioner, such as making the award gender neutral and I believe all of those other issues are more properly addressed in a complete review of this award. But whether you or whether the SDA and the other parties wish to go that far certainly in relation to the application for the minimum rates adjustment process, my understanding of the Wage Fixing Principles is that that cannot -  
260 that's not a stand-alone matter. The minimum rates adjustments aren't there simply as another wage increase, they are there as a result mainly of a classification restructure.

265 In relation to the operative date, it is true to say that in the hearing before yourself in T9337 of 2000 - it was in December just before Christmas of last year, Mr Watson from the TCCI and Mr Noonan from the SDA did agree to operative dates for a proposed minimum rates adjustments process. T9337, commissioner, was an application by the SDA for the application of the previous safety net adjustment and the  
270 agreement was made that it would apply earlier than 12 months but on the basis that these proposed MRAs commence on 1 July and as a four step process every six months.

275 The problem that we now have, commissioner, is that whilst the SDA have had over six months to make this application to you, they haven't done so and we would now wish to - certainly we believe that the first minimum rates adjustment should not be backdated. We do have some flexibility in relation to the six months between each of the MRAs but in relation to the first one we would certainly say that that should be from the date of your decision.

280 But I think what I really want to say while I am standing up, commissioner, is that the minimum rates adjustment process - sorry, the minimum rates adjustments are premature; that this award needs

a complete review and that you should not apply minimum rates adjustments on a stand-alone basis.

285 COMMISSIONER: Yes, thanks, Mr Flood.

MR FLOOD: Sorry, commissioner, I will keep going. In relation to the safety net adjustment as it's part of the same application, I think I've made my comments clear earlier, the TCCI, whilst we would not necessarily seek to have 12 months between safety net adjustments, again we've not been consulted about an operative date. It may be that we can agree on 1 October, but that will be dependent on if and when the first of the minimum rates adjustments is operative. Thank you.

COMMISSIONER: Thanks, Mr Flood. Mr Ireland?

MR IRELAND: If the commission pleases, with regards to both matters, but first of all with regards to the minimum rates adjustment, yes, it is true that the Hairdressers Award has been some time in the making with regards to the application of minimum rates adjustment to the award structure.

The first point I'd like to make is that having heard what Mr Flood has just put by way of his submission, we don't disagree with his comments but would indicate to the commission that the application that is before you is an interim arrangement only, in so far as at the hearing earlier in the year it was accepted, or understood by the parties, that the award would need to be restructured to implement the minimum rates adjustment.

The award has been restructured in an interim fashion only. The federation - The Hairdressing Federation of Tasmania - has consulted widely with its membership throughout the state. The industry is of the view that the award structure in its present format is deficient and moves have been made with the SDA to commence negotiations on a complete review of the Hairdressers Award including the classification structure.

As a sign of good faith, on the one hand the federation has supported the application of the minimum rates adjustment as indicated earlier, late last year in the hearing before you, but in particular the industry is cognisant of the need to both attract and retain staff or employees in this industry and comments made at the 2000 State Wage Case under the pay equity principle - the new pay equity principle - left no doubt in anyone's mind that the hairdressing industry was one of those industries under the microscope - or potentially to be placed under the microscope with regards to that principle.

Now this industry did not want adverse publicity with regards to its approach to pay rates and took the decision early on that it was important, particularly for the industry and those working in the

325 industry, for all efforts to be made to bring the rates up to a  
reasonable standard.

I concede what Mr Flood has put to you with regards to the structural  
efficiency principle as being technically correct but I would also submit  
to you today that what you have before you in an application is an  
330 interim arrangement only. The parties have undertaken to conduct  
and complete a full review of the Hairdressers Award, and important  
amongst that review issues for consideration in that review is the  
restructuring of the award, particularly to bring it into line with the  
current training package that now is in place within the industry.

335 I'd also like to draw to your attention, and I think this is an oversight  
on the part of Mr Griffin with regard to his application, if you turn to  
G.1, the matter raised by Mr Griffin under section 2 under the  
heading, Apprentices, on about the fourth page in, we would support  
the terminology being brought into line with the current terminology  
340 that appertains under the *Industrial Relations Act* recently amended  
and that should more appropriately be referred to as trainees in this  
state, and that under subclause (a) on that page, reference to the  
weekly wage rate for the whole of the principal certificate should read,  
as it does under the table on the following page under the heading,  
345 Weekly Wage Rate for the Classification of a Holder of a Hairdressers  
Certificate as Opposed to the Principal's Certificate.

COMMISSIONER: Where is that, Mr Ireland?

MR IRELAND: First of all under the heading, Apprentices.

COMMISSIONER: Yes.

350 MR IRELAND: On the first page in. We would see that should more  
appropriately be referred to as, Trainees. And then immediately under  
the heading subclause (a), it refers to the weekly wage rate for the  
holder of a principal's certificate. If you turn to the following page you  
will see at the top of that page the actual calculation in the heading  
355 refers to the holder of a hairdresser's certificate which is a different  
classification.

Now there has been a discussion on that point with regards to the  
removal of the 40 per cent for the first six months of the  
apprenticeship or traineeship and been replaced for the first year 42  
360 per cent for the entirety of the first year, and that trade off has been  
based on reference back to the trade rate, if you like, the 100 per cent  
rate being the certificate rate, not the principal's.

COMMISSIONER: Right.

MR IRELAND: Do you follow that?

365 COMMISSIONER: Yes. So if we go back to Clause 2 - Apprentices or  
subclause (2), you're proposing that that be crossed out and put  
trainees?

MR IRELAND: Yes, to be consistent.

370 COMMISSIONER: And are you proposing changes to the references  
to principal and then over to hairdresser's certificate?

MR IRELAND: Well, I'm suggesting that the change needs to be  
consistent. You can't have both, it's got to be one or the other and we  
say that the understanding was that under subclause (a) it should  
refer to the hairdresser's certificate not the principal's certificate.

375 COMMISSIONER: Right.

MR IRELAND: Mr Griffin can speak to that.

COMMISSIONER: Yes.

MR IRELAND: But that's obviously something that we need to see  
through.

380 COMMISSIONER: Yes?

MR IRELAND: So just in summary with regards to the minimum  
rates adjustment we, as a federation, support the application  
submitted by Mr Griffin. We support the operative date as being an  
agreed date on the application before you last year with regards to the  
385 2000 safety net adjustment and our purpose or reason for support is  
based on the wide consultation within the industry and the desire to  
bring the award up to appropriate standards in line with structural  
efficiency principles, but importantly would recognise this application  
that is before you with regards to the structure as interim only. In  
390 other words, we concede that the terminology in the application is  
inadequate because it simply brings forward the same terminology as  
under the award which is the point Mr Flood was making.

Now turning to the safety net application as contained under G.2,  
again the industry - that being The Hairdressing Federation  
395 representing, we would consider, the major part of the industry would  
support the 2001 State Wage Case decision flowing on to the  
Hairdressers Award, but obviously not from 1 August or the first pay  
period on or after 1 August for a number of reasons most importantly  
it's only six months since the last safety net adjustment was applied to  
400 the award and, secondly, we believe that the principles do provide for  
agreement between the parties with regards to operative date. Whilst  
it's not in that particular principle, it is in the 2000 decision. I don't  
know whether that's flowed right through due to the brevity of the  
decision.

405 The parties agreed that the industry was not able to sustain a significant wage increase in one hit, that is, the application of the minimum rates adjustment and the safety net adjustment within a short time frame, so the agreement was, between certainly the federation and the SDA, that a three month cushion would apply.

410 The application that's before you under G.1 seeks the minimum rates adjustment to apply from the first pay period on or after 1 July of this year and that three months down the track, a three month cushion, in other words, that the safety net adjustment would apply from 1 October of this year.

415 Again, I understand and do concede the point made by Mr Flood and indeed yourself that it is certainly ahead of the 12 month period but we suggested under the circumstances it's warranted, otherwise the industry falls further and further behind and I repeat, that the industry whilst not comfortable with the wage increases that are  
420 flowing through to the award, recognised that it is important to both attract and retain staff within the industry. That brings to an end my submission on both matters.

COMMISSIONER: Thanks, Mr Ireland. What do you say about all that, Mr Griffin?

425 MR GRIFFIN: Yes, thank you, Mr Commissioner. What Mr Ireland has mentioned is very true and I should say that, yes, discussions have commenced in respect of modernising this particular award and we have gone down a path which in due course will see that this award will be suitably varied in respect of those principles in modernising the  
430 award, et cetera.

I should also say, where Mr Ireland mentioned in section 2 - Apprentices, where he's alerted us to the fact that that changed to trainees in respect of the Act, also in that subsection (a) there is reference to apprentices there and presumably that will be changed to  
435 trainees as well.

COMMISSIONER: Just a minute, I'd better catch that while it's passing by, what was that reference?

MR GRIFFIN: Subsection (a) under section 2 of the particular section where, Apprentices, is the heading.

440 COMMISSIONER: Is this the matter we went over with Mr Ireland, is it?

MR GRIFFIN: That's right.

COMMISSIONER: Sorry, yes. Keep going?

445 MR GRIFFIN: Where apprentices to be changed to trainees, also in that subsection (a) at the bottom of the page, you'll see there's reference to apprentices again. It's just a formality.

COMMISSIONER: Yes.

MR GRIFFIN: It says:

450 *(a) The minimum ordinary weekly wage rates to be paid by employers to apprentices -*

COMMISSIONER: Right. Trainees, yes.

MR GRIFFIN: I just reiterate again, Mr Commissioner, that the discussions that have taken place from last year, as recommended by the TCCI, have been the major employer party and the major party in  
455 respect of the employees where it was agreed and also by the TCCI that the MRAs be put in under a set schedule and that schedule, the implementation date to be on or after the first pay period of 1 July and I would also submit again, Mr Commissioner, the fact that the safety net increase, my understanding is that under the present wage  
460 situation that there is opportunity for the safety net to be implemented before 12 months.

My main push here is in fact the matter, that it has been agreed and I say, by the industry, by those people concerned, that it does come in on 1 October.

465 COMMISSIONER: Anything else?

MR GRIFFIN: I would urge you just to follow all I've put in please, Mr Commissioner.

COMMISSIONER: Thanks, Mr Griffin. Gentlemen, I note what Mr Flood has said, there's no complete consultation with the Chamber  
470 and also the point he made, that the MRA process was specifically intended to include restructuring of the award and I also note the submissions of the other two parties.

Mr Flood, do you think any discussions now, off the record, might help, between the parties?

475 MR FLOOD: I think they probably would, commissioner. I don't want to give the impression that I'm trying to hold things up. The only thing that I would say is, that if you defer this for private discussion with the parties, it's got the chance of delaying things considerably. Those things always tend to go on longer than they should.

480 COMMISSIONER: I was hoping, Mr Flood, you might be able to get something settled across the board today.

MR FLOOD: Yes. I'm not sure of the comment, the discussion between Mr Griffin and Mr Watson in December in relation to the claim that Mr Griffin made, that the SDA should consult with the HFT only. We would certainly like to be kept advised. The HFT is certainly the major employer body in this industry but we would certainly like to be kept advised of any negotiations between those parties.

I think actually if we were to adjourn into conference, we may be able to agree on something.

COMMISSIONER: Yes. Thanks, Mr Flood. I will adjourn the parties into conference between themselves. I will say this - two things. I take serious note of the points that Mr Flood has made. I think all parties should do that but, secondly, something is going to happen today, gentlemen, I tell you now but I still think that there ought to be discussions and if the parties return with complete agreement on what's to happen, I would be more happy than having to impose something. We'll adjourn now.

**INTO CONFERENCE 11.16am**

**HEARING RESUMED 12.00noon**

COMMISSIONER: Yes, Mr Griffin?

MR GRIFFIN: Thanks, Mr Commissioner. Thanks for that time out that you allowed us to take and I can report back to you that the parties - we have come to an agreed position.

Firstly, dealing with the first minimum rates adjustment and that being in respect of your consent to an interim position of implementing the first MRA that would come into place on or after the first fully pay period of 1 July 2001. The proviso there is that there is some action taken in modernisation of the award and that to be done within the next six months.

The second issue in respect of the safety net increase, what we have now come to is that we couldn't agree fully on 1 October, being the implementation date or the first full pay period after that date but what we have agreed upon is the fact that the parties will meet on that date, or approximately that time, in order to have further discussions that that increase may come in on that date or later.

I suppose we need to look at withdrawing that variation which I mentioned first, to have that increase put in by 1 October.

COMMISSIONER: Yes. I'll grant that application, just to drop that part of the application?

MR GRIFFIN: Please?

COMMISSIONER: Yes, I'll grant that.

MR GRIFFIN: That's my understanding of it and I presume that my colleagues here will not be saying anything contrary to what I've just reported.

525 COMMISSIONER: Thanks, Mr Griffin.

MR FLOOD: I'm not going to say anything contrary, commissioner. I only wish to add something to that and that is, that the agreed interim minimum rates adjustment is exactly that, it is an interim adjustment and the condition that the TCCI has placed on that for its agreement to that interim adjustment is that if the classification structure and the award itself isn't reviewed within six months from the operative date of the interim adjustment, that that adjustment would be removed from the award.

535 I'm not sure, commissioner, what the effect of that might be, whether or not we are unable to actually reduce rates of pay for employees but certainly it wouldn't apply to new employees.

Also, commissioner, in relation to the draft orders provided to you by Mr Griffin, in G.1, I would just simply say that I haven't had time to properly look at that this morning. If I could perhaps undertake to just check those this afternoon and advise you of our acceptance or otherwise of those.

540 COMMISSIONER: Yes.

MR FLOOD: I'm not expecting any problems but I just want to double check them.

545 COMMISSIONER: Yes, good. I accept that.

MR FLOOD: Thank you.

COMMISSIONER: Thanks, Mr Flood. Mr Ireland?

MR IRELAND: Yes, thank you, commissioner. I confirm what Mr Griffin and Mr Flood have put to you by way of their final submissions on this matter, only to perhaps explain or to add a comment, that The Hairdressing Federation of Tasmania go into this matter with a degree of confidence in being able to achieve the award modernisation or review process within the six month time frame as much work has already been done on that particular matter.

555 COMMISSIONER: Thanks, Mr Ireland. I thank the parties for that. I indicate now that the first MRA will be implemented on an interim basis and I look forward to hearing from the parties in the meantime, certainly within a reasonable time, that's somewhere between three and six months, I understand, that the safety net adjustment matter

560 has been settled and that the restructuring is, if not well on the way, complete. No objection to all of that, Mr Griffin?

MR GRIFFIN: No, that's as we understand, Mr Commissioner.

COMMISSIONER: Anyone else? Thank you. This matter is closed.

**HEARING ADJOURNED 12.05pm**