

**HEARING COMMENCED 11.00am**

COMMISSIONER: I'll take appearances, please.

**MR R. BAKER:** Sir, I appear on behalf of the applicant organisation in both matters, P. BAKER.

5 COMMISSIONER: Thank you.

**MR R. BROWN:** If the commission pleases, BROWN, R., for the TCCI in both matters.

COMMISSIONER: Good. Thank you. Mr Baker?

10 MR BAKER: Yes, sir. This application was made by myself following the last occasion when this award was before the commission in matter 7605. I must admit, that it wasn't until the matter was previously before the commission that I realised the third safety net adjustment had not been processed for this award and I do now recall the circumstances which gave rise to that, back in August of the  
15 previous year.

However, the application was made and it in fact has now been overtaken by the events of the full bench in consideration of the Wage Fixation Principles of this year and in particular, as far as the rewriting of the principles is concerned, in principle 7, where it talks  
20 about previous State Wage Case increases and indeed it says:

- 7.1 *Increases available under previous State Wage Case decisions such as structural efficiency increases, minimum rates adjustments and the three previous \$8 arbitrated safety net adjustments will on application continue to be accessible.*
- 25 7.2 *The spacing of increases to awards by the minimum rates adjustment process or the structural efficiency process in accordance with principle 7.1 shall be determined by agreement between the parties to any particular Award or failing agreement by decision of the Commission.*
- 30 7.3 *The application of any outstanding safety net adjustments into an Award in accordance with Principle 7.1 will be available by application on or after 1 September 1998. In respect to an application seeking to vary an Award by more than one arbitrated safety net adjustment the spacing of those increases shall be determined by agreement between the parties to the  
35 Award or failing agreement by decision of the Commission.*

So it really does seem that, at this point in time, that in fact this application by definition within the principle must wait until 1 September, as I read principle 7.3 and in particular I note the words,

'will be available by application on or after 1 September 1998'. That's as I read the principle.

COMMISSIONER: Right. What do you want me to do?

MR BAKER: Well, in that case, sir, I think that the -

5 COMMISSIONER: We'll see what Mr Brown has to say on that particular interpretation of the principle.

MR BROWN: It certainly would be the TCCI's belief that given what Mr Baker has just read out, that the safety net wouldn't be available until the first full pay on or after that date, being 1 September 1998.

10 COMMISSIONER: Yes. This is the third \$8.00 safety net?

MR BROWN: The third \$8.00 safety net.

COMMISSIONER: Does that stop you from processing it now and having an advanced operative date?

15 MR BROWN: In terms of having an advanced operative date, it would certainly be administratively easier for us to send out the one industrial service to our members. In terms of having that done now and saving the parties having to come back here at a later stage, then I've no opposition to that.

20 COMMISSIONER: Yes. I'm just a bit frightened, if we go through the same checking arrangements we went through last time, it could be two or three months before we get it checked.

MR BROWN: I will certainly undertake that it won't take two to three months to do that checking again.

25 COMMISSIONER: I was being a bit facetious. I accept that. Well, it would mean - maybe we will just go off the record and talk about procedures, I think.

**OFF RECORD 11.05am**

**ON RECORD 11.15am**

30 COMMISSIONER: Let the record show that we've had some discussions about the processing of application 7739 and the parties are familiar with the process. It's my understanding that the parties will get a draft order to the commission in relation to this application and it will be operative from the first full pay period to commence on or after 1 September.

35 Is that your understanding, Mr Baker?

MR BAKER: Yes, sir.

COMMISSIONER: Mr Brown?

MR BROWN: Yes.

COMMISSIONER: There are no further submissions? Well, this matter is concluded. Thank you.

5 **HEARING CONCLUDED 11.18am**