

PRESIDENT: Very good. There are no changes in appearances. Everybody is happily sitting there with a consent document?

MR BAKER: Well, we're smiling. I'm not sure whether with a consent document though.

5 PRESIDENT: I see. Okay. Let's see how far we can take it then.

MR BAKER: Well, I apologise to the commission again for my inability to appear on the previous occasion. My services were required elsewhere unfortunately but Ms Thomas, as you would recall, sir, presented to the commission a wage schedule in so far as what the TCCI perceived to be the new wage rates to be. That schedule arose  
10 out of a meeting which was held between myself, Ms Thomas, Mr Fitzgerald and Mr Abey from the TCCI.

I, in a subsequent discussion with Ms Thomas, indicated that I didn't think it adequately reflected the intent of the discussion that we had in so far as the employees were concerned, which related to those employees who had a qualification  
15 but lacked work experience.

Since that point in time, Ms Thomas and I have exchanged draft orders readily and at will but we have been unable to actually present one which we both agree. In fact, this morning we're still sort of scratching our heads as to where the respective parties are getting the figures from. So, with your indulgence, sir, I have proposed to Ms Thomas  
20 and she has agreed that her and I will sit down at the conclusion of these proceedings and prepare a draft order to give effect to the intent of the parties and bring this matter to a conclusion.

PRESIDENT: What - this is about the fourth time lucky, is it?

MR BAKER: I won't be lucky this morning. We're going to finish it off.

25 PRESIDENT: Okay. What's the sticking point?

MR BAKER: I don't know. It just seems to me - well, for example, if you look at the C3, level 3 figure, my position on that is that the supplementary payment, in round figures, ought to be around \$990. Ms Thomas indicates that she believes it should be \$880. Now, there is a couple of things like that, that we need to sort out exactly where  
30 those figures are.

PRESIDENT: You need your calculators.

MR BAKER: Yes.

PRESIDENT: Do you agree with the 115%?

MR BAKER: Well, our percentage figures - we agree with all the percentage figures and quite candidly, sir, there are many of the areas where if you put a tick next to the points, where we agree, but we certainly do have queries with the C2 year 1 of  
35 experience figure. We would query, as I indicated, the C3, level 3 figure and we would query the C7 B2 on commencement and first the year of experience figures.

PRESIDENT: All right..

40 MR BAKER: Now, it's just unfortunate, I suppose, that I've been at one end of the island and been away and we've been trying to do this via a fax machine, unfortunately without success, but as I've indicated, it is our intention, with your indulgence, to fix the thing this morning.

PRESIDENT: So, if then you had 20-odd minutes this morning, how do you think you would go? Ms Thomas?

5 MS THOMAS: I think the intention is, Mr President, that Mr Baker and I, after the conclusion of the \$8.00 matters which are shortly to follow, we will move to the TCCI's premises. We will set ourselves up with a white board and some calculators and we will conclude this matter and we will present to you today an agreed draft order and - I don't know what your availability is this afternoon -

MR BAKER: I'm fine.

10 MS THOMAS: We could report back to your with an agreed draft order this afternoon at some stage -

PRESIDENT: That would be good if you could do that.

MS THOMAS: - to suit your convenience.

PRESIDENT: What sort of time then do you think you need? Is three o'clock too early?

15 MR BAKER: No. I don't -

PRESIDENT: Look - let's say we schedule it for three - we will adjourn until three and you let me know how you're going.

MS THOMAS: Yes. Okay, then.

MR BAKER: I don't anticipate there should too many problems.

20 MS THOMAS: No.

PRESIDENT: Yes.

MR BAKER: Just so long as we obviously work it off the same calculator.

PRESIDENT: Yes, that would be a good start. Okay. We'll adjourn this matter until three this afternoon.

25 **INTO CONFERENCE**

PRESIDENT: Well, we're on the record.

30 MR BAKER: Well, for the record, we can advise the commission that we do now have a draft order which we will present to the commission, which reflects the third minimum rates adjustment and the second \$8.00. Ms Thomas and I spent a fruitful 20 minutes this morning and we've come up with what we believe to be accurate figures.

I'll also hand to the commission for its records, a minimum rates adjustment schedule which we have prepared, which will take us through to the conclusion of the process.

35 PRESIDENT: Good. Thanks. We'll mark the - we've had one schedule already handed up, I believe, - is that right, in this matter?

MR BAKER: Yes. There was an exhibit, I think, named A.1, I think, from memory, which goes back -

PRESIDENT: Or was that in another matter?

MR BAKER: I think it was in the original matter, sir.

PRESIDENT: Here it is, yes. It was attached to T.1, which was the consent order  
tendered by - or the order tendered by Ms Thomas on the last occasion together with a  
5 schedule. So, would it offend anybody if we marked it T.2, just to avoid confusion?  
Mark the draft order and the schedule in total, T.2. Is that okay?

MS THOMAS: Yes.

MR BAKER: Fine.

PRESIDENT: The reason I do that is because T.1 is in similar format and it might be  
10 better to distinguish it with a T.2, so that people know that it is a different document.

MR BAKER: Yes. It will be our intention, now that we've uncovered this award again,  
to process the remaining MRA process in accordance with the schedule which was in  
fact laid down between the TCCI and ourselves a couple of years ago and certainly on  
the next occasion that this matter is before you, in six month's time, it will be our  
15 intention to look at bringing the base rates in to reflect the actual percentage figures,  
which are listed in column 1, so they do in fact bear the relativity to what they are  
supposed to do.

We would do that on this occasion, except a couple of the base rates in fact would  
exceed the current total rate as shown in the total rate per annum column. I think the  
20 document is self-explanatory and as I've indicated, there is also the schedule, which  
indicates quite clearly now exactly how we're going to finish this process off and the  
figures that are outstanding there. So, subject to any questions from yourself, I would  
submit the draft order to you and request that the award be varied accordingly from  
the first full pay period on or after today's date.

PRESIDENT: Yes. All right. Thanks, Mr Baker. Now, did I hear you correctly - did  
25 you say, third arbitrated safety net?

MR BAKER: Sorry, no. It's the third minimum rates adjustment for levels C1 to C4.  
It's the second minimum rates adjustment for levels C5 to C11 and it is the second  
arbitrated safety net adjustment for all rates.

PRESIDENT: Very good. Yes. Thank you. Ms Thomas?

MS THOMAS: Yes. As Mr Baker outlined, this is now a consent matter with a  
consent draft order presented to you this afternoon. I would state that the application  
is in accordance with the wage fixing principles and that it should be approved and  
operative from the first full pay period to commence on or after today's date. If it  
35 pleases.

PRESIDENT: Right. When - I think this might have been put before, but when was  
the previous arbitrated safety net adjustment effective from?

MS THOMAS: That was operative from 31 January 1994.

PRESIDENT: Yes. All right. Very good. Thank you very much for getting together and  
40 concluding this matter, finally. The award will be varied as requested effective from the  
first full pay period on or after today's date. There being no further notice to deal with  
in this application, it's concluded. Thank you.

**HEARING CONCLUDED**