

COMMISSIONER: I'll take appearances please.

MR D. O'BYRNE: If the commission please, D.J. O'BYRNE, on behalf of the Australian Liquor, Hospitality and Miscellaneous Workers Union, Tasmanian Branch.

5 COMMISSIONER: Thank you.

MR P. NOONAN: If the commission pleases, I appear on behalf of the Shop Distributive and Allied Employees Association, Tasmanian Branch, NOONAN P.

COMMISSIONER: Thanks Mr Noonan.

10 **MR T. EDWARDS:** If it please the commission, EDWARDS T.J., appearing with me MR R. BROWN for the Tasmanian Chamber of Commerce and Industry.

COMMISSIONER: Good, thank you. Right, so I take it that we've done the homework on this matter, and Mr O'Byrne?

15 MR O'BYRNE: We have, as you stated, done the homework on this matter when we were before you last in regard to this award of August of last year there was an agreed process of the minimum rates adjustments. This application before you today is to continue that process. I have before me here a form of words, which I'll tender as an
20 exhibit.

COMMISSIONER: Mark this **EXHIBIT A.1**.

MR O'BYRNE: We seek to vary clause 8(a), alone, the only section of that clause in the form of words that I put forward to you. There is no need to vary the rest of that clause as it deals with junior employees
25 and apprenticeships. They're on a percentage basis.

We submit that the wording before you are in agreeance with the principles of public interest, and are in line with the Wage Fixing Principles.

COMMISSIONER: Right, I suppose that the only thing that's changed
30 since your agreement would have been the operative date arrangements, arising out of the Wage Fixing Principles?

MR O'BYRNE: Yes, and the parties have had discussions and we proposed to have a commencement date, the first full pay period on or after 14 September 1997, begrudgingly.

35 COMMISSIONER: Good, thank you. Yes, we've had this argument before on other matters, where people come before us and say - well we've had an agreed process - that may well be the case but the Wage

Fixing Principles override that particular agreement. That's why, also, the applications, the MRA process, is subject to separate application.

MR O'BYRNE: Yes, sir, and I've had that very discussion today.

COMMISSIONER: Have you?

5 MR O'BYRNE: Yes.

COMMISSIONER: Right, well it wouldn't be the first matter we've had before us since the Wage Fixing Principles raised that matter.

MR O'BYRNE: If the commission pleases.

COMMISSIONER: Mr Noonan have you any -?

10 MR NOONAN: Mr Commissioner, I support the submissions as made by Mr O'Byrne.

COMMISSIONER: Good, thank you. Mr Edwards?

15 MR EDWARDS: If it please the commission, this is a matter that comes before the commission by consent, and it is furthering the agreement between the parties of August 1996, when we were last before the commission in respect of this matter, at which time, I understand, there was an exhibit tendered to the commission which was headed Minimum Rates Adjustment Process, and set out the three
20 stage process the parties envisaged for the minimum rates adjustment process to bring the wage rates in this award to the relativity settings deemed by the parties and the commission to be appropriate for this industry.

25 We're at the second stage of that three stage process now, which was the stage shown in that exhibit, under the date 25 August, which as you've indicated, commissioner, now alters as a result of the State Wage Case decision,

COMMISSIONER: Which is really the third MRA, isn't it?

MR EDWARDS: Well, I think it is, because I think the first two were done together, commissioner.

30 COMMISSIONER: Yes, I notice the application doesn't state which one of the MRA's, but this is the penultimate one?

MR EDWARDS: It is the penultimate MRA, commissioner. There is one more which is, at this stage, scheduled for March 1998.

COMMISSIONER: Good, right.

35 MR EDWARDS: As the commission has pointed out, principle 7 of the Wage Fixing Principles put in place at the most recent State Wage

5 Case indicates there is to be a gap between the \$10 arbitrated safety
net adjustment and the application of previous State Wage Case
increases to any particular award, and that date would say that the
operative date for this matter should be not before the first pay period
to commence on or after 14 September 1997, and that would be the
date that would receive our support.

10 Commissioner, I've had the opportunity of having Mr O'Byrne's draft
order in advance of the hearing, and I've checked that document. I
think the document you have before you would have a hand-written
variation on it at level 5 -

COMMISSIONER: It does, yes.

15 MR EDWARDS: - showing an adjustment down from a 30 to a 20,
and providing that adjustment's clearly shown on that the draft order
receives our support as well as being an accurate reflection of the
second stage, or the penultimate stage, of the minimum rates
adjustment process.

20 Having said that, sir, it's our submission that the application does no
harm to the public interest requirements of section 36 of the Act, and
as a consequence, we lend our support to it. If it please the
commission.

25 COMMISSIONER: Thank you. No further submissions? Well, I can
indicate to the parties I'll hand down a written decision in due course.
It will be in favour of the application, and it will be varied in the
manner sought by the applicant, along the lines of Exhibit A.1, and
will be operative from the first full pay period to commence on or after
14 September 1997. This finalises this matter, thank you.

HEARING CONCLUDED