

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

T. No. 4795 of 1994

**IN THE MATTER OF** an application  
by the Australian Liquor,  
Hospitality and Miscellaneous  
Workers Union to vary the Child  
Care and Children's Services Award

re determination of the status of  
the award - paid or minimum rates  
award

COMMISSIONER GOZZI

HOBART, 17 January 1994

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: Could I have appearances in that matter, please.

**MR K O'BRIEN:** If the commission pleases, I appear on behalf of the Australian Liquor, Hospitality and Miscellaneous Workers Union.

COMMISSIONER GOZZI: Thank you Mr O'Brien.

**MR T.J. ABEY:** Commissioner, I appear for the TCCI, ABEY, T.J.

COMMISSIONER GOZZI: Thank you Mr Abey. Mr O'Brien.

MR O'BRIEN: Mr Commissioner, I understand that Mr Abey intends to oppose this application. The application is made similar to the other matters for an \$8 increase under the principles recently adopted by this commission and the Australian Industrial Relations Commission.

This award has been the subject of a restructuring process which has been, might I say, arduous and time consuming both in terms of the parties and the commission, was part argued and was subsequently the subject of consent.

As I understand it, the minimum rates adjustments consequent upon the new classification structure have now been completed. There was an application flowing from that; one of the reserve matters for a traineeship provision which I understand has been given effect and there are still some outstanding matters in that area.

There is a provision in the award which allows for enterprise based discussions and those discussions are proceeding but no formal outcomes, as I understand it, have been reached at this stage. Given the nature of the industry, the small nature of each employer, that's an arduous task. The majority of people, as we would understand it, covered by the award will be in receipt of the award rate, and this would be an area in which the safety net increase would have a significant impact.

In relation to, as I understand it, the suggestion that this is a - not a - sorry, that this is a paid rates award, I don't understand that to be the case and I await the nature of the argument, because it hasn't been put to me, to ascertain what I am to respond to in that regard, but I don't understand that it's ever been made in that form by this commission and we would be asking that the award be varied with effect from the first pay period commencing on or after today's date. The form of order, we are in the hands of the commission about, of course. If the commission pleases.

COMMISSIONER GOZZI: Thank you Mr O'Brien. Mr Abey.

MR ABEY: Yes, commissioner. This issue is not straightforward. We had limited time and some difficulty in getting proper instructions on this matter and one of the reasons for the difficulty is that as a cost saving measure most of the centres are in fact closed this time of year. They operate on very tight budgets in any event and most do not have the capacity to operate during the Christmas-early January period when demand for their services is not at a peak.

So, as a consequence of that, my instructions are firstly to have this matter adjourned to enable the centres to properly consider their application and the implications of it.

I would like to dispel a myth that any wage increases granted in this award are automatically picked up by the commonwealth. That is not true. It has to be funded from operating revenues or increased fees, and whilst there may at some futuristic stage be some adjustment in the funding arrangements, history over the past two years has shown that the funding arrangements from the commonwealth have been a fraction of the labour cost increase which has been applied in this award, and I'm talking something in the order of I think between 20 and 30 per cent of the cost increases which have gone to the centres have been in fact funded through increased commonwealth subsidies and grants.

COMMISSIONER GOZZI: What, you would say only \$3 on that basis?

MR ABEY: I'm sorry?

COMMISSIONER GOZZI: About \$3 would be funded?

MR ABEY: On this?

COMMISSIONER GOZZI: Mm

MR ABEY: I think zero would be funded. I mean, the funds don't - the funding doesn't change as soon as an award is changed. It is basically, as I understand and I have no expertise on it, it is annualised funding and you have to anticipate.

Now if I could go back a step, or perhaps take a side step, the commission should be aware that there is an award of the Australian Commission applying to local government centres in Tasmania, known as the Local Government Community Services Award -

COMMISSIONER GOZZI: Right.

MR ABEY: - which covers child care centres run by the local government.



An identical application came before Commissioner Leary on Friday of last week and we opposed it on the same grounds as we oppose it here today, but in that particular argument we could speak with accuracy in relation to, say, Clarence Council, which runs three or four centres and a major player, and in terms of increases in terms of fees charged to the client base over the previous two years, that had been of the order of 15 per cent and increases in terms of commonwealth funding ranged between two and five per cent.

So it is of that order, and all I'm saying is it is a myth if there is anyone who is of the belief that any wage increase is automatically picked up. It just simply doesn't happen, and when labour costs represent between 80 and 86 per cent of the total running costs of each centre, any wage increase is a significant matter.

So I am instructed that should an increase be granted today, that would have a very significant effect on the operating capacity of the centres at a time when they're not able to take decisions, because they're not operative, to recoup it presumably by sheeting it back to the client base because that's where it would have to come from.

So my primary submission is the matter be adjourned. Secondly, if the matter is to proceed, then we would oppose this application on the grounds that it is a paid rates award. Now if I can foreshadow what Mr O'Brien may argue, is that there is nothing in the award which says it is a paid rates award, then that argument could be extended to, in my submission, any award of this commission because the act simply doesn't provide for it and that is why during the National Wage proceedings we made the submission that the commission will need to examine on a case by case basis that those awards which have the character of the paid rates award, even though they do not specify in plain English that they are in fact a paid rates award, it is our submission that this is just one of them. Now -

COMMISSIONER GOZZI: You would have - probably have some difficulty establishing this as a paid rates award because there are centres, and I'm aware of them, of at least one, that pays over the award rate.

MR ABEY: Well -

COMMISSIONER GOZZI: I mean - I guess, you know - I guess it would be a swings and roundabout thing that -

MR ABEY: - that would be contrary -

COMMISSIONER GOZZI: - some - there may be a great many of them pay that award, that's shown there, but there would be some that pay different - over and above that.

MR ABEY: Well I'd be surprised. My instructions are that there is almost a total absence of over award payments. There may be a possible exception at the highest level in the largest centres where the award doesn't keep going, in terms of size, to cover the directors. But, as I say, we haven't had a chance to address this by evidence in the two or three days we've had to deal with this application.

I can say that in the local government award which is in all material respects identical -

MR O'BRIEN: No, well, there is a very material difference but I'll deal with that in response.

COMMISSIONER GOZZI: Yes - look, all I know is that it was a painstaking affair to put this award in place and I would be surprised if this was somehow said to be a mirror image of the local government award because I can assure you it is not.

MR ABEY: No, the reverse. The local government award followed this - the restructuring of this in all material respects. If you look at the wage rates there are, with one or two exceptions, they are almost identical. The only material differences as I recall is rather than talking about first, second and third year of service in the local government award, it talks about level 1, level 2, level 3.

COMMISSIONER GOZZI: And you know the training - I don't know what the local government award training aspects are too, but of course training and career progression it was all caught up with the making of this particular award it was, as you are no doubt aware, it was a long drawn out exercise.

MR ABEY: Exactly. Exactly, and I'm saying that if you looked at the local government award you would see that it has the, you know, exactly the same classification structure. The local government award followed the state award with a slight time delay, but they have adopted the same structure, the same wage rates and there are a few differences around the edges but for all material respects they are the same.

Now that matter came on before Commissioner Leary last week and on that particular occasion we could point to the transcript whereas on previous occasion the union had conceded, quite openly, that it was a paid rates award and furthermore that they had handed in a statutory declaration to the effect that they would maintain the integrity of that paid rates award. It was also conceded without the necessity to go to evidence that there was an absence of over award payment.



Now Commissioner Leary said, or she reserved her decision, and I've no doubt she has some difficulty with the competing arguments because, like this award, it says the minimum rates of pay shall be, and that's the conundrum that faces Commissioner Leary but she certainly took on board the fact that the union had conceded in transcript that it was a paid rates award and that there was an absence of over award payment. And it would be our submission that the same should apply in this circumstance.

I would also add that I think it would be entirely sensible that both commissions come down to the same decision. Now how that is managed I wouldn't pretend to advise you, Mr Commissioner, but I think it would be most unfortunate if we had different decisions dealing with the identical subject in substantially identical awards in two different jurisdictions within only a weekend in between them.

COMMISSIONER GOZZI: I mean, you know, whatever finding Commissioner Leary comes down with doesn't necessarily have application here. I mean, that's the dilemma you've got. I mean the application in the award here is not to local government centres, the application in the award here is to privately operated child care centres.

MR ABEY: Yes, I - if I need to spell it out more bluntly Mr Commissioner, is that you would be aware that there has been a long running battle between two unions for coverage in this particular area.

MR O'BRIEN: Oh, look, how is this relevant? I mean, for goodness sake we're talking about an \$8 minimum safety net increase and Mr Abey wants to introduce this. I mean, I have sat patiently - the awards are not the same. Mr Abey knows that the career progression structure in the local government award cuts out at level 2 and after that it's by appointment -

COMMISSIONER GOZZI: Mr -

MR O'BRIEN: - and he's -

COMMISSIONER GOZZI: Yes.

MR O'BRIEN: - been trying to tell you this morning that they're the same.

COMMISSIONER GOZZI: Yes, Mr O'Brien, you'll get your right of reply in just a moment.

MR O'BRIEN: Yes, well I just -

MR ABEY: So I am saying that if the commission considers it has a role in maintaining sound industrial relations, a sensible outcome for this application would be that both

decisions are the same. Now if the commission believes it can operate in a vacuum then so be it. I don't believe that is a sensible outcome. I mean, had we had more time we could have applied for a joint hearing and all those sorts of things. I just think it's sensible that, you know, for all the reasons which to my mind are very obvious that a similar outcome is achieved in both awards. And I reiterate that there is no doubt in our mind that this award has all the characteristics of a paid rates award, and I concede that it says the minimum rates of pay shall be. You will find that in every award of the State Commission, to my mind.

COMMISSIONER GOZZI: Mr Abey, how much of your submission on the adjournment is predicated on the fact of buying some time to allow the federal matter to be concluded?

MR ABEY: The adjournment debate is in response to the request, and you will appreciate this is not an award I deal with frequently, a request from a senior office bearer of the child care association who simply said, well, look, this impossible for us to deal with, all the centres are closed down, it has an enormous impact on us and if we're not operating we're just not in a position to deal with it anyway.

So that was the basis of the adjournment debate.

COMMISSIONER GOZZI: But do I take it what you are saying to me is that, okay, look, if there is an adjournment to allow people to consider their financial position and so on, that the increase won't be consented to? Is that part of what you're saying to me?

MR ABEY: I very much doubt it. I very much doubt that it would be consented to. That's not the message - that's not the indication I've been given today, and I think you really have to read this as an application to oppose.

COMMISSIONER GOZZI: So really you're saying that notwithstanding the adjournment the likelihood of anything changing by way of argument on a paid rates situation is remote.

MR ABEY: Remote, yes, extremely remote.

COMMISSIONER GOZZI: So why would the adjournment not just determine the matter?

MR ABEY: Well I'm - because my instructions were in the first instance to seek an adjournment. If that's not going to happen then I'm to argue it. And I'm being candid. I don't think the instructions would change if there was a two week delay.



COMMISSIONER GOZZI: Well if they're not going to change, I ask again, why would we put off the time to have it determined one way or the other?

MR ABEY: Well it's a good question. I was asked to ask for an adjournment and I've done that. I can understand if you reject the argument.

COMMISSIONER GOZZI: Yes. Look, I personally, unless there is some point in having some discussions between you and Mr O'Brien, I don't see it compelling to adjourn. You know, if you are ready to put an argument on the paid rates situation that that's going to be argued in two weeks' time, well then we might as well get it over and done with.

MR ABEY: Well I'm not in a position to produce evidence without something of the order of two or three working days' notice of this .... I just physically cannot produce evidence going to the paid rates and, as such, I'm just making assertions from the bar table which I am confident are correct in large measure, and it has all the characteristics of being a paid rates award.

Now the Australian Commission and this commission have determined that paid rates awards are to be excluded from the safety net. Now if that is not to be the case simply because this award says the minimum rates of pay shall be, then with respect the decision of this state commission is a hollow decision because all of them say that because that's what the act says. And clearly this state commission refrain from awarding an across the board availability of this increase.

COMMISSIONER GOZZI: So you're foreshadowing, quite apart from anything else, you want an adjournment to prepare a better argument on the paid rates proposition.

MR ABEY: If there is a contest - I ran this same argument on Friday before the Australian Commission -

COMMISSIONER GOZZI: Well you can anticipate a contest from Mr O'Brien's reaction just a moment ago.

MR ABEY: Well I didn't have a contest - I didn't have it - there was a concession -

MR O'BRIEN: It isn't true what you're saying.

MR ABEY: I'm sorry?

MR O'BRIEN: It is not true what you're saying to say this award is the same as the other.

COMMISSIONER GOZZI: Well I really don't appreciate this sort of crossfire and I think we all get a guernsey.



MR ABEY: In the argument on Friday, of which I had a similar amount of notice, the union conceded that there was an absence of over award payments; I had no idea what Mr O'Brien's organisations's view on that would be. Now if there is not a concession to that respect then I have no alternative but to seek to adjourn the matter to call evidence to that effect.

COMMISSIONER GOZZI: Well -

MR ABEY: I concede that the words say the minimum rates of pay shall be.

COMMISSIONER GOZZI: Anything else that you want to add?

MR ABEY: No.

COMMISSIONER GOZZI: All right. Mr O'Brien.

MR O'BRIEN: Mr Commissioner, there are a number of points that I want to address and the first is that Mr Abey suggested that the - all material affects the award of the federal commission, to which you referred to, was identical to this award. It is true to say that it has the same classification structure on the face of it but when the translation of that takes effect all levels above level 2, as I understand it, are promotable only; they are not achieved by progression. To me, that makes this award and award entirely different.

The second point I would make is that Mr Abey indicated that that award followed this award, that the federal award followed the state award, yet he is suggesting somehow that the federal commission should now make determinations in relation to this award, and that this commission shouldn't do something that the federal commission mightn't do when, clearly, on the information that Mr Abey has presented there has been a concession that in effect the federal award is a paid rates award, a concession which has never been made in relation to this award and is not made now.

We would, contrary to - I don't think it is even contrary to what Mr Abey is saying because if you listen to the tape or read the transcript you will find that whenever he talked about the award being observed he's qualified that because I don't think that he's in a position to say - when I say observed I mean observed as a maximum - because the fact is that as the commission is aware, and as we are aware, there are instances where people are paid in excess of the award. Neither was this award created with the specification that the award was not or would not be exceeded and a classification structure including absorption of over award payments was arrived at by consent.

Now I fail to see how Mr Abey's organisation could now suggest that the award was in any way, shape or form a paid rates award, and, you know, I really think that to ask for an adjournment which has got something to do, apparently, with the standing of one award versus the other perhaps to see that the tail wags the dog, in this case, which is usually the sort of argument that Mr Abey would be presenting about arguments that we put about claims for increasing award wages, but now he seems to be saying, well, you know, we've got to get to a circumstance where the - with this award - has got to sit idly by while there is a determination on circumstances which are not identical on an award classification structure which is not identical in another area.

It seems to me to be an incredible submission and I can imagine what Mr Abey would saying if I were putting it, in reverse. It is an interesting delaying tactic but the fact of the matter is, Mr Commissioner, that the position is as I put it in opening. It has not been gainsaid. If there is a question of the affordability of the increase, the decision as specific in each particular centre needs to approach the commission about that, not on a wholesale basis which is the implication of Mr Abey's submission as to cost impact and the effect on fees, which is what I take from his reference to the way that the matter - the increase might be recovered.

In all respects I think that there is no ground for an adjournment, neither is there a ground to oppose the increase on the basis of the award being a so called paid rates award. If the commission pleases, we would be asking that the matter be determined.

COMMISSIONER GOZZI: Thanks Mr O'Brien. I am surprised to hear the argument from you, Mr Abey, that this is a paid rates award area. I was heavily involved with the making of the award, as you appreciate, conducted many conferences and discussions and then, due to the work of Pauline Shelley, in particular, and with Mr Fitzgerald representing the employers in this industry, consent award structure was able to be put in place.

Now at no time was it said to me, or did I have in mind, to make a paid rates award and until this morning I hadn't considered this to be a paid rates award either. But the problem that I've got is that you asked me to give you time, in the absence of a concession that it is a paid rates award, to present evidence and further submission to the commission, and I propose to do that, I don't believe I've got any alternative but to do it.

I'm certainly not going to be guided by anything that might come out from Commissioner Leary; I think that what she has got before her might - that's up to proceedings there and it's up to her what she determines. I can only indicate to you



what it is what I made at the time that the Child Care and Children's Services Award was made, but on the basis affording you the opportunity to put your submissions and on the basis that you may not be able to access the people that you may otherwise have spoken to I am going to give you a short adjournment to present that material and we'll take it from there.

I would certainly encourage, though, in the intervening period that you have some discussions with Mr O'Brien. I am certainly not enamoured with your submissions this morning on this particular point and I would like to see the matter able to be resolved between you, and I just wonder what your view is with respect to operative date in the circumstances, Mr Abey.

MR ABEY: Our submission on operative date shall be that the operative date is the date of decision. The supplementary decision of the Australian Commission was that there be no retrospectivity, and I think it is wrong to send a message to the trade union movement that this decision is an \$8 increase, there for the asking -

COMMISSIONER GOZZI: I'm not saying it is there for the asking -

MR ABEY: I think in circumstances when we've had limited - very limited - time to prepare a defence, we had no understanding that this award would be one of the first cabs off the rank; at a time when the industry is closed down I think an adjournment to prepare a defence is reasonable and I am not prepared to make any concessions in respect of operative date.

I hear what you say about your view as to whether it's a paid rates or minimum rates award. It would assist us perhaps if, having regard for your comment, it would assist us, bearing in mind that there will be a raft of awards to follow this, if you could indicate to us whether or not you have ever made a paid rates award in a private sector.

COMMISSIONER GOZZI: No, not as far as I am aware. I think the only award that I am aware of that's been made into a paid rates per se by this commission is probably the Nursing Homes Award. Off the top of my head that's the only one I can think of where in fact that was deliberately done. But, you know, I'm not sure, there might be others.

MR O'BRIEN: Could I interpose there, because there is a provision in the act which allows the making of enterprise awards. I would have thought they were the paid rates award if any.

COMMISSIONER GOZZI: Well -



MR O'BRIEN: There is.

MR ABEY: Provision to make enterprise awards in the act?

MR O'BRIEN: That's right. Yes, there is.

COMMISSIONER GOZZI: Yes, that's definitely the case that there is - there has been provision in the act since March 1993 to make enterprise awards and in fact that as one of the catalysts in making enterprise awards in section 55 agreements principle. It has been a surprise to me, whilst we might be getting off the track a little bit, that given that there is an enterprise awards provision in the act and the capacity for the commission to make enterprise awards, that people have felt constrained about the wage fixing principles because, quite clearly, under the enterprise awards mechanism the test for increases is really what goes in the award, and the application of the enterprise bargaining principle could have been applied to the enterprise award situation.

MR ABEY: Well I'm grateful for the clarification that the commission as presently constituted has never made a paid rates award in the private sector and we'll take that on board and have a look at.

COMMISSIONER GOZZI: Yes, I must say I don't know what's behind the question, I just -

MR ABEY: I just -

COMMISSIONER GOZZI: I just feel that -

MR ABEY: Well what's behind the question is -

COMMISSIONER GOZZI: I mean, I guess - I guess, you know, taking and thinking about it if there is something behind the question perhaps you could argue that the Rosebery is a paid rates award, perhaps you could argue that the Pasminco is a paid rates award, perhaps you could argue that the Ferro and Alloys Award which recently made along the lines of an enterprise award is a paid rates award. The fact is in this particular case I certainly didn't view the making of the Child Care and Children's Services Award as making a paid rates award.

MR ABEY: What's behind the question is that the issue of paid rates awards and minimum rates awards has never loomed large in this commission. There has never to my knowledge been any requirement about statutory declarations to maintain the integrity of paid rates awards because it simply hasn't been an issue.

COMMISSIONER GOZZI: No, it hasn't.

MR ABEY: And it doesn't become an issue until you get a decision which distinguishes between paid rates and minimum rates awards.

COMMISSIONER GOZZI: Well, you see, it's interesting. I mean, it could raise all sorts of fun and games in the public sector on this occasion. I mean, up to recently you could have argued I think successfully that the public sector awards were paid rates awards. You can now argue equally successfully that they're no longer paid rates awards with the establishment of the various agreements that apply, because in respect of a lot of those particular awards the agreements for certain classifications take over and provide an increase over and above what's provided in the award. You could argue, I think you could argue very well, that in respect of some of those particular awards, by the action of the employer and the unions involved they've turned those private - public sector awards into minimum rates awards.

MR ABEY: I have no submissions -

COMMISSIONER GOZZI: I mean, I agree with you to the -

MR ABEY: - at all on public sector awards, they don't give me a great deal of interest.

As I was saying that the distinction between the two types of awards has never loomed large in this commission and it's only because we get a decision of this nature -

COMMISSIONER GOZZI: That's right. I agree.

MR ABEY: - that the parties have to address it. Now I would venture to suggest that if you looked at the entirety of the private sector awards I would be surprised if you would find any which say that they are paid rates awards as such. I would be surprised, but there would be numerous ones which have the character of the paid rates awards, and simply - I'm trying to clarify for the efficiency of our own organisation that if the test is whether or not those words are in the award or, in the alternative, it was never in the mind of the commissioner at the time - the making of the award that it was a paid rates award - even though the issue was never addressed, then it just simply assists us in determining how we will approach it. I put it no higher than that.

COMMISSIONER GOZZI: Yes -

MR ABEY: I mean, the deputy president may well have the - form the view, you know, you take an award like the Marine Boards Award, it's never been an issue whether it's paid rates or minimum rates, but it happens to incorporate SIPS. So there is compelling argument that it is a paid rates award.



COMMISSIONER GOZZI: Could be. I'm just simply saying as the commissioner involved in making this award the issue was one of making an award and whether it was a paid rates award never really came up.

MR ABEY: Exactly. Exactly.

COMMISSIONER GOZZI: And the award does say it's a minimum rates award. Minimum classification rates.

MR ABEY: So -

COMMISSIONER GOZZI: Which allows the employer, presumably, to pay more than the minimum classification rate.

MR ABEY: Right. Yes, that's exactly right and if that is to be the criteria to be adopted then my respectful submission is that whilst it's consistent with the letter of decision, it is inconsistent with the spirit of the decision because it clearly distinguishes between the two types of awards and it's never been an issue in this jurisdiction.

COMMISSIONER GOZZI: See, one of the other problems that - and it may not be totally germane to this area here - but one of the other problems that you are heading into is that I can think of awards, not in my area, which really are low 'paid awards', and if you're saying that because those classification rates are being paid by employers in that particular industry, that that then ipso facto makes it a paid rates award, I reckon you could have some difficulty with that argument. I mean, for an example, let's get into an award I used to have and it's now in Commissioner Imlach's panel, the Produce Award. Now the Produce Award I would say probably in respect of a lot of classifications are fairly low by comparison. You might argue that they're appropriate or whatever, and so on, but by comparison they are.

Now I would also venture to say that in a lot of cases, probably not dissimilar to the child care and children's service area, those award rates are paid out there in the field. Now does that make it a paid rates award?

MR ABEY: It certainly raises an arguable case.

COMMISSIONER GOZZI: Yes, look, on the way that you're approaching it now doubt it does and from this point of view -

MR ABEY: You can't take it in isolation. I think the additional test about a paid rates award is the existence of a reasonably sophisticated career structure is a test which would normally attract to a paid rates award and certainly they don't come any more sophisticated than this award, the child care award.



COMMISSIONER GOZZI: Mr Abey, it will be an interesting case no doubt, what would be a reasonable period of adjournment?

MR ABEY: I will have to refer to my colleague.

OFF THE RECORD

COMMISSIONER GOZZI: Now in adjourning the matter to the 11th of February 1994, I just want to reiterate that would certainly encourage discussion to take place between Mr Abey, yourself Mr Abey, and Mr O'Brien on this issue so you can reach some common ground. I am also mindful of the fact that the - most of the child care centres should be back in operation by then and I'm also going to consider whether or not I should refer the matter to the full bench for consideration on the issue of paid rates, because I don't want to go through this argument time and time again.

I can anticipate that the Child Care and Children's Service Award is not the only award that is in that sort of configuration; there are a whole lot of other awards that are configured like this with career paths: the Surveyors Award comes to mind, and you could argue that that represents a paid rates award the same as you've argued here, and any number of others. And I really think in the interest of getting this question resolved it might be advantageous to get it to a full bench, and if that's the case - and I'll tell you now, I'm going to discuss it with the president - if that's the case I'll be looking to try and get it on earlier by rearranging some hearings with the president and getting the thing fixed. So if it is to be on earlier and if it is to go to a full bench I'll be in touch with you and try and organise a mutual date, and I'll give you the two weeks - that will be post two weeks - but not as far down the track as now. Right. Thank you. These matters are adjourned.

HEARING ADJOURNED